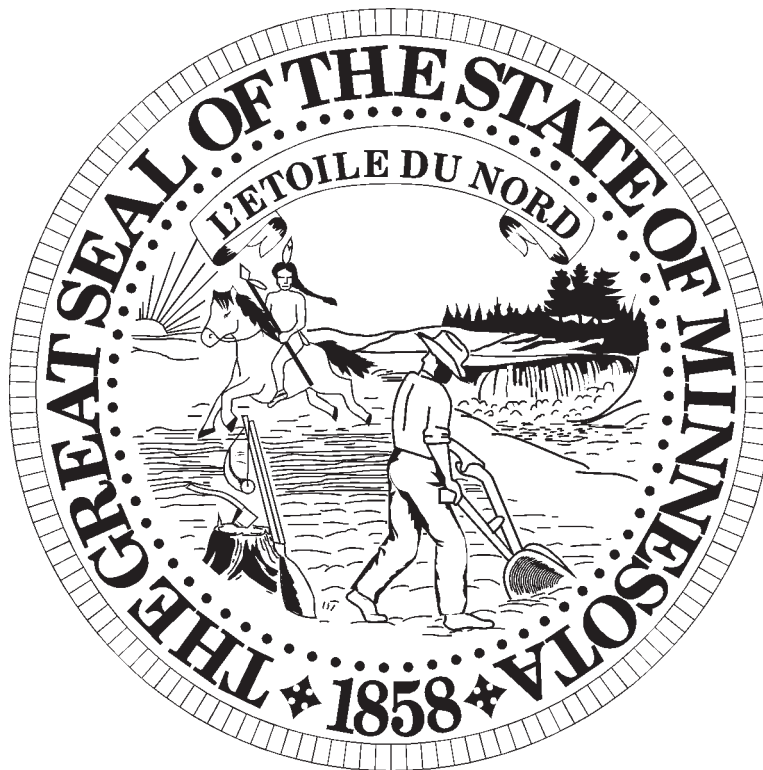


State of Minnesota

# State Register



**Rules, Executive Orders, Appointments,  
Commissioners' Orders, Revenue Notices, Official Notices, Grants,  
State Contracts & Loans, Non-State Bids, Contracts & Grants**

Published every Monday (Tuesday when Monday is a holiday)

**Monday 24 December 2007**

**Volume 32, Number 26**

**Pages 1097 - 1188**

# State Register

## Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, published weekly to fulfill the legislative mandate set forth in *Minnesota Statutes* § 14.46. The *State Register* contains:

- rules of state agencies
- commissioners' orders
- state grants and loans
- executive orders of the governor
- revenue notices
- contracts for professional, technical and consulting services
- non-state public bids, contracts and grants
- appointments
- official notices

**PUBLISHING NOTICES:** Submit ONE COPY of your notice, typed double-spaced. State agency submissions must include a "State Register Printing Order" form, and a "Certification/Internal Contract Negotiation" form with contracts for professional, technical and consulting services. Non-State Agencies should submit ONE COPY, with a letter on your letterhead stationery requesting publication and date to be published. **E-MAIL** submissions to: [robin.panlener@state.mn.us](mailto:robin.panlener@state.mn.us), or **FAX** to: (651) 297-8260. Please follow FAX by sending originals and applicable forms or letters. The charge is \$14.40 per tenth of a page (columns are seven inches wide). One typewritten, double-spaced page is about 4/10s of a page in the *State Register*, or \$57.60. About 2-1/2 pages typed, double-spaced, on 8-1/2"x11" paper equal one typeset page in the *State Register*. Contact the editor if you have questions.

### SUBSCRIPTION SERVICES:

Copies are available at Minnesota's Bookstore, 660 Olive Street, St. Paul, MN 55155. Order by phone: Metro area: (651) 297-3000 Toll free (800) 657-3757. TTY relay service phone number: (800) 627-3529. **NO REFUNDS.** E-mail subscriptions are available by contacting (651) 297-8777. Send address changes to Minnesota's Bookstore, 660 Olive Street, St. Paul, Minnesota 55155.

SEE THE *State Register* free at **website:** <http://www.minnesotasbookstore.com>

- **State Register: On-line subscription** – \$180, includes Early View, LINKS, INDEX, and Sidebar Table of Contents *sent to you via E-mail*.
- **Single issues** are available for a limited time: *State Register* \$5.00.
- **"Affidavit of Publication"** costs \$10.00 and includes a notarized "Affidavit" and a copy of the issue.

## Printing Schedule and Submission Deadlines

| Vol. 32<br>Issue<br>Number | PUBLISH<br>DATE<br>( <b>BOLDFACE</b> shows<br>altered publish date) |                | Deadline for: Emergency Rules, Executive and<br>Commissioner's Orders, Revenue and Official Notices,<br>State Grants, Professional-Technical-Consulting<br>Contracts, Non-State Bids and Public Contracts |                | Deadline for Proposed,<br>Adopted and Exempt<br>RULES |                |
|----------------------------|---|----------------|---|----------------|---|----------------|
|                            |   |                |   |                |   |                |
| # 26                       | Monday  | 24 December    | Noon Tuesday  | 18 December    | Noon Wednesday  | 12 December    |
| # 27                       | Monday  | 31 December    | <b>NOON MONDAY 24 DECEMBER</b>  |                | Noon Wednesday  | 19 December    |
| # 28                       | Monday  | 7 January 2008 | <b>NOON MONDAY 31 DECEMBER</b>  |                | Noon Wednesday  | 26 December    |
| # 29                       | Monday  | 14 January     | Noon Tuesday  | 8 January 2008 | Noon Wednesday  | 2 January 2008 |

Copyright © 2007 Materials Management Division, Department of Administration, State of Minnesota.

USPS Publication Number: 326-630 (ISSN: 0146-7751)

**THE STATE REGISTER IS PUBLISHED** by Materials Management Division, Department of Administration, State of Minnesota, pursuant to *Minnesota Statutes* § 14.46 and is available at main branch county libraries in Minnesota and all "State Depository Libraries:" State University and Community College libraries; University of Minnesota libraries; St. Paul, Minneapolis and Duluth Public Libraries; Legislative Reference Library; State Law Library; Minnesota Historical Society Library; and Library Development Service at the State Department of Education.

|                                  |                |   |  |
|----------------------------------|----------------|---|--|
| Tim Pawlenty, Governor           | (651) 296-3391 | Department of Administration:                 | <i>State Register:</i>                       |
| Carol L. Molnau, Lt. Governor    | (651) 296-3391 | Dana B. Badgerow, Commissioner (651) 296-1424 | Robin Panlener, editor (651) 297-7963        |
| Lori Swanson, Attorney General   | (651) 297-4272 | Materials Management Division:                | John Mikes, assistant editor (651) 297-4616  |
| Rebecca Otto, State Auditor      | (651) 297-3670 | Kent Allin, Director (651) 201-2400           | Cathy Hoekstra, subscriptions (651) 297-8777 |
| Mark Ritchie, Secretary of State | (651) 296-2079 | Mary Mikes, Manager (651) 297-3979            | Bonnie Karels, billing (651) 296-4912        |

## Minnesota Legislative Information

**Senate Public Information Office** (651) 296-0504  
State Capitol, Room 231, St. Paul, MN 55155  
**Website:** [www.senate.leg.state.mn.us/departments/secretary/seninfo.htm](http://www.senate.leg.state.mn.us/departments/secretary/seninfo.htm)

**House Public Information Services** (651) 296-2146  
State Office Building, Room 175,  
100 Rev. Dr. Martin Luther King Jr Blvd., St. Paul, MN 55155  
**Website:** [www.house.leg.state.mn.us/hinfo/hinfo.htm](http://www.house.leg.state.mn.us/hinfo/hinfo.htm)

## Minnesota State Court System

**Court Information Office** (651) 296-6043  
MN Judicial Center, Rm. 135, 25 Rev. Dr. Martin Luther King Jr Blvd.,  
St. Paul, MN 55155 **Website:** [www.courts.state.mn.us](http://www.courts.state.mn.us)

## Federal Register

Office of the Federal Register (202) 512-1530; or (888) 293-6498  
U.S. Government Printing Office – Fax: (202) 512-1262  
**Website:** [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html)

## Minnesota Rules: Amendments & Additions

Rules Index - Vol. 32, # 14-26,  
October 1 - December 24, 2007 ..... 1100

## Proposed Rules

### School Administrators Board

Proposed Permanent Rules Relating to Board of School Administrators' Duty, Responsibility, and Role, and Technical Changes..... 1101

### Secretary of State

Proposed Permanent Rules Relating to Elections..... 1116

## Commissioners' Orders

### Natural Resources Department (DNR)

Classification of State Forest Lands Outside State Forests Under the Authority of the Commissioner in Clay County, Minnesota with Respect to Motor Vehicle Use..... 1135

**Exhibit A:** Motor Vehicle Classification of State Forest Lands..... 1136

Classification of State Forest Lands Outside State Forests Under the Authority of the Commissioner in Wadena County, Minnesota with Respect to Motor Vehicle Use..... 1137

Designation of Forest Roads on State Forest Lands Outside State Forests Under the Authority of the Commissioner in Wadena County, Minnesota..... 1138

**Exhibit A:** Forest Road Designation..... 1139

Designation of Forest Trails on State Forest Lands Outside State Forests Under the Authority of the Commissioner in Wadena County, Minnesota..... 1140

**Exhibit A:** Hunter Walking Trail Designation..... 1141

Classification of State Forest Lands Outside State Forests Under the Authority of the Commissioner in Douglas County, Minnesota with Respect to Motor Vehicle Use..... 1142

Classification of State Forest Lands Outside State Forests Under the Authority of the Commissioner in Todd County, Minnesota with Respect to Motor Vehicle Use..... 1143

Classification of State Forest Lands Outside State Forests Under the Authority of the Commissioner in Pope County, Minnesota with Respect to Motor Vehicle Use..... 1144

Classification of State Forest Lands Outside State Forests Under the Authority of the Commissioner in Otter Tail County, Minnesota with Respect to Motor Vehicle Use..... 1145

Designation of Forest Roads in Huntersville State Forest in Hubbard and Wadena Counties, Minnesota..... 1146

**Exhibit A:** Forest Road Designation..... 1147

Designation of Forest Trails in Huntersville State Forest in Hubbard and Wadena Counties, Minnesota..... 1148

**Exhibit A:** All Terrain Vehicle / Off Highway Motorcycle (ATV/OHM) Trail Designation..... 1149

**Exhibit B:** Off Highway Motorcycle (OHM) Trail Designation..... 1150

**Exhibit C:** Horseback Trail Designation..... 1151

Classification of the Huntersville State Forest in Hubbard and Wadena Counties, Minnesota with Respect to Motor Vehicle Use..... 1152

Classification of the Lyons State Forest in Wadena County, Minnesota with Respect to Motor Vehicle Use..... 1153

Designation of Forest Roads in Lyons State Forest in Wadena County..... 1154

**Exhibit A:** Forest Road Designation..... 1155

Designation of Forest Trails in Lyons State Forest in Wadena County, MN..... 1156

**Exhibit A:** All Terrain Vehicles / Off Highway Motorcycles (ATV / OHM) Trail Designation..... 1157

Classification of the Smoky Hills State Forest in Becker County, Minnesota with Respect to Motor Vehicle Use..... 1158

**Exhibit A:** Area with Limitations on Off-trail and Non-designated Trail Use... 1159

Designation of Forest Roads in Smoky Hills State Forest in Becker County... 1160

**Exhibit A:** Forest Road Designation..... 1161

Designation of Forest Trails in Smoky Hills State Forest in Becker County... 1162

**Exhibit A:** All Terrain Vehicle / Off Highway Motorcycle (ATM / OHM) Trail Designation..... 1163

**Exhibit B:** Hunter Walking Trail Designation..... 1164

Classification of the Two Inlets State Forest in Becker County, Minnesota with Respect to Motor Vehicle Use..... 1165

**Exhibit A:** Area with Limitations on Off-trail and Non-designated Trail Use... 1166

Designation of Forest Roads in Two Inlets State Forest in Becker County.... 1167

**Exhibit A:** Forest Road Designation.....1168

Designation of Forest Trails in Two Inlets State Forest in Becker County..... 1169

**Exhibit A:** All Terrain Vehicle / Off Highway Motorcycle (ATV / OHM) Designation..... 1170

**Exhibit B:** Hunter Walking Trail Designation..... 1171

## Official Notices

Help with Official Notices..... 1172

### Administration Department

Information Policy Analysis Division: Intent to Consider Application for Temporary Classification of Data for Statewide Applicability..... 1172

### Health Department (MDH)

Division of Health Promotion & Chronic Disease: Request for Comments on Amendment to Rules Governing the Minnesota Cancer Surveillance System... 1173

### Human Services Department (DHS)

Notice of Outreach Incentive Program..... 1174

### Land Exchange Board

Meeting of the Board January 9, 2008..... 1174

### Labor and Industry Department

Labor Standards Unit: Additional Rate to Highway/Heavy Prevailing Wage Rates for Lineman in Region 1..... 1174

Labor Standards Unit: Determination of Truck Rental Rates and Notice of Informal Conference..... 1175

### Pollution Control Agency

Regional Division: Availability of Draft Fecal Coliform and Turbidity TMDL Assessment for Rock River and Request for Comment..... 1176

### Public Utilities Commission

Request for Comments on Possible Amendments to Rules Governing Ex Parte Communications, Docket No. U-999-R-07-887..... 1178

## State Grants & Loans

Get that Grant..... 1182

### Health Department (MDH)

Division of Community and Family Health: Request for Proposals for the Positive Alternatives Grant Program..... 1182

## State Contracts

Assistance with Contracts..... 1183

### Colleges and Universities, Minnesota State (MnSCU)

Winona State University: Request for Bids for Paper Cutter for Print Shop... 1184

### Transportation Department (Mn/DOT)

Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")..... 1184

Professional/Technical Contract Opportunities..... 1185

## Non-State Bids, Contracts & Grants

### Anoka County

Request for Proposals for Analysis and Planning Service to Migrate from Novell to Microsoft..... 1185

### Metropolitan Council

Request for Proposals (RFP) for Worker's Compensation Legal Services..... 1186

### Metropolitan Council - Metro Transit

Request for Proposals for I-35W & 95<sup>th</sup> Avenue Parking Structure Design and Construction Support Services..... 1186

### University of Minnesota

Subscribe to Bid Information Service (BIS)..... 1187

## Minnesota's Bookstore

Contracts information is available from the Materials Management Helpline (651) 296-2600, or Web site:  
[www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us)

State Register information is available from Minnesota's Bookstore (651) 297-3000, or (800) 657-3757, Web site:  
[www.minnesotasbookstore.com](http://www.minnesotasbookstore.com)

# Minnesota Rules: Amendments and Additions

## NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific **Minnesota Rule** chapter numbers. Every odd-numbered year the **Minnesota Rules** are published. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the most current edition of the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues #1-13 inclusive; issues #14-25 inclusive; issue #26 cumulative for issues #1-26; issues #27-38 inclusive; issue #39, cumulative for issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 660 Olive Street (one block east of I-35E and one block north of University Ave), St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

## Rules Index: Volume 32 - Issues # 14-26

Monday 1 October 2007 - Monday 24 December 2007

(For issues # 1 - 13 [July-Sept.] SEE issue #13. Cumulative Index will next appear in issue #26, December 31, 2007)

### Building Codes - Labor and Industry Department

1330 (repealed)..... 760

### Chiropractic Examiners Board

2500.5010 (proposed)..... 693

### School Administrators Board

3512.0100; .0200; .0300; .0400; .0400; .0510; .0700; .0800; .1200; .1300; .1500; .1600; .1700; .2000; .2100; .2400; .2500; .2600; .2700; .3500; .5200 (proposed)..... 1101  
3512.3500, as part 3512.0505 (proposed renumbering and cross references)..... 1101  
3512.0300, s. 6; .0400, s. 2; .0500; .0600; .1100; .1400, (proposed repealer)..... 1101

### Education Department

3525.0210; .0300; .0400; .0550; .0700; .0750; .0755; .0800; .0850; .0855; .0860; .0865; .0870; .1100; .1310; .1325; .1327; .1329; .1331; .1333; .1335; .1337; .1339; .1341; .1343; .1345; .1348; .1350; .1352; .1354; .1400; .1550; .2325; .2335; .2340; .2350; .2440; .2445; .2450; .2455; .2550; .2720; .2810; .2900; .3010; .3100; .3600; .3700; .3900; .4010; .4110; .4420; .4700; .4750; .4770 (proposed)..... 695  
3525.0210 s. 2, 3, 5, 6, 7, 8, 9, 13, 17, 18, 26, 29, 30, 36, 38, 46, 47; .0800 s. 1, 3, 4, 6, 7, 8, 9; .2435; .2710; .2810 s. 3, 4, 5; .2900 s. 5; .3900 s. 3 (proposed repealer)..... 695  
3525.1350 (adopted)..... 653

### Health Department

4725 (proposed)..... 901

4730 (repealed)..... 777  
4731 (adopted)..... 831  
4732 (adopted)..... 777

### Higher Education Services Office

4850.0011; .0012; .0014; .0018; .0020; .0021; .0022; .0024 (proposed)..... 603  
4850.0011, s. 27 (repealed)..... 603

### Natural Resources Department

6232.0300; .0400; .0800; .1600; .1980; .4700 (adopted expedited emergency)..... 1073  
6232.0300; .0400 s. 6; .1600 s. 6; .4700 s. 1a, published in the *State Register*, vol. 32, p. 410, Sept. 4, 2007 (repealed expedited emergency)..... 1073  
6232.1980, published in the *State Register*, vol. 32, p. 410, Sept. 4, 2007 (repealed expedited emergency).... 803  
6236.0815; .1060 (adopted expedited emergency)..... 803  
6254.0300; 6256.0500; 6258.0500; 6260.0300; .1700; .2400; 6262.0200; .0500; .0575; .0600; .0800; .1000; .3200; .3250; 6264.0025; .0125; .0300; .0400; 6266.0100; .0300; .0400; .0500; .0700 (adopted)..... 1039  
6256.0500 s. 9; 6262.0500 s.1, 2, 3; 6264.0400 s. 4, items E to K; s. 33; 6266.0300 s.2, 6266.0400 s.2 (repealed)..... 1039  
6260.1800; 6262.0100; 6264.0400; 6266.0700 (adopted exempt)..... 1044  
6260.1900 s.2, 3, 4; .2400 s. 26, 27, 28, 29; 6262.0900; 6264.0400 s. 34 (repealed)..... 1039  
6262.0550; .1000; 6264.0150 (proposed repealer)..... 1039

### Peace Officer Standards and Training Board

6700.0900; .0901; .0902 (proposed)..... 1067  
6700.0901 s. 3; .0902 s. 1, 2, 3, 4, 5, 6, 7, (proposed repealer)..... 1067

# Minnesota Rules: Amendments and Additions

## Pollution Control Agency

**7002.0025; 7005.0100; 7007.0100;** .0300; .1100; .1102; .1110;  
.1120; .1125; .1130; .1140; .1200; .1300; .3000; .5000;  
**7011.0060;** .0061; .0065; .0070; .0072; .0075; .0080; .1005;  
.1299; .3430; .3520; .8010; .8020; .8030; .8040; .8050; .8060;  
.8070; .8080; .8090; .8100; .8110; .8120; .8130; .8140; .8150;  
.8160; .8170; **7017.2005;** .2020; **7019.3000;** .3020; .3030;  
.3050; .3080 (**adopted**)..... 904  
**7011.0065 s.2;** .0070 s. 3, 4 (**repealed**)..... 904  
**7001.0170;** .0190; .1080; .1090; .1150; **7049 (proposed)**..... 925

## Public Utilities Commission

**7820.3700;** .3800; .3900; .4000 (**proposed**)..... 1035

## Revenue Department

**8130.2700 (adopted)**..... 603  
**8130.5800 (proposed)**..... 753  
**8130.5800 s. 7 (proposed repealer)**..... 753

## Secretary of State

**8200.1100;** .1200; .4000; .5100; .5400; .6200; .9115; .9315;  
.9939; .9940; **8210.9960;** .0050; .0100; .0200; .0500; .0600;  
.0700; .0800; .2200 (**proposed**)..... 1116  
**8210.0200,** s. 1, 1a, 1c, 1d, 2, 4a, 6; .0600, s. 4, 4a,  
(**proposed repealer**)..... 1116  
**8290.0100;** .0300; .0400; .0500; .0600; .0700; .0800; .0900;  
.1000; .1100; .1200; .1300; .1400 (**adopted exempt**)..... 961

## Board of Teaching Board

**8710.4770 (proposed)**..... 653

## Transportation Department

**8820.4090;** .9920; .9981; .9995 (**adopted**)..... 608

## Proposed Rules

**Comments on Planned Rules or Rule Amendments.** An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

**Rules to be Adopted After a Hearing.** After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

**Rules to be Adopted Without a Hearing.** Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules or Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

**KEY: Proposed Rules** - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

## Board of School Administrators

### Proposed Permanent Rules Relating to Board of School Administrators' Duty, Responsibility, and Role, and Technical Changes

**Introduction.** The Minnesota Board of School Administrators intends to adopt amendments to the rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on Friday, February 22, 2008, a public hearing will be held in the CC14 Conference Room A, Minnesota Department of Education, 1500 Highway 36, Roseville, Minnesota 55113-4266, starting at 9:00 a.m. on Monday, March 3, 2008 and Tuesday March 4, 2008. To find out whether the amendments to the rules will be adopted without a hearing or if the hearing will be held, you should contact the Authority contact person after February 22, 2008.



# Proposed Rules

---

**Authority Contact Person.** Comments or questions on the proposed amendments to the rules and written requests for a public hearing on the amended rules must be submitted to the Authority contact person. The Authority contact person is: Judith M. Lamp, Ed.D, Executive Director Minnesota Board of School Administrators. The **telephone** number is (651) 999-7389, **FAX** number is (651) 999-7388 and the **e-mail** is [jlamp@msbsa.org](mailto:jlamp@msbsa.org). TTY users may call the Board at (651) 282-5332 or 1-800-657-3864.

If you would like a printed copy of the amendments to the rules, the Authority contact is Judith M. Lamp, Ed.D, Executive Director Minnesota Board of School Administrators. The **telephone** number is (651) 999-7389, **FAX** number is (651) 999-7388 and the **e-mail** is [jlamp@msbsa.org](mailto:jlamp@msbsa.org). TTY users may call the Board at (651) 282-5332 or 1-800-657-3864. The proposed amendments to the rules are posted on the Minnesota Board of School Administrators **website** at <http://www.msbsa.org/>.

**Subject of Amendments to the Rules and Statutory Authority.** The proposed amendments to the rules address the rules governing the licensure of school administrators. The proposed amendments to the rules serve to address the need to update licensure competencies to better reflect the current needs of school administrators, and to clarify areas where the old rule might be self-contradictory. In addition, language has been brought up to date to reflect current state agencies, and specific areas of competence in safety and security have been added in response to legislative edict.

The effective date of the proposed amendments to the rules is September 1, 2008. Students in licensure programs admitted before September 1, 2008 will be under the old rules unless they are unable to finish their programs by August 31, 2010.

The Authority's statutory authority to adopt the rules is set forth in Minnesota Statutes section 122A. 14, which provides: "The board shall license school administrators. The board shall adopt rules to license school administrators under chapter 14. Other than the rules transferred to the board under section 122A.18, subdivision 4, the board may not adopt or amend rules under this section until the rules are approved by law." The Minnesota Board of School Administrators (Board) is proposing to amend Minn. R. Ch. 3512 to update requirements for school administrator licensure and to comply with the requirements in Minn. laws 2005 Chapter 5, Article 2, Section 81, as amended by Minnesota Laws 2006 Chapter 263, Article 2, Section 20. With the legislated establishment of Board authority rather than Commissioner authority to grant new administrative licenses, the rule required modification in order to bring said rule into line with Minn. Laws.

The authority for expedited rule writing was initially granted through Minnesota Laws 2005 Chapter 5, Article 2, Section 81. In addition, full rule writing authority was granted in Minnesota Laws 2006 Chapter 263, Article 2, Section 20 and was amended by Minnesota Law 2007, Chapter 146, Article 2, Section 33.

A copy of the proposed amendments to the rules is published in the *State Register*. A free copy of the proposed amendments to the rules is available upon request from the Authority contact person listed above.

**Comments.** You have until 4:30 p.m. on Friday, February 22, 2008, to submit written comment in support of or in opposition to the proposed amendments to the rules or any part or subpart of the amended rules. Your comment must be in writing and received by the Authority contact person by the due date. Comment is encouraged. Your comments should identify the portion of the amended rules being addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed amendments to the rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that a hearing be held on the proposed amendments to the rules. Your request for a public hearing must be in writing and must be received by the Authority contact person by 4:30 p.m. on Friday, February 22, 2008. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rule amendments to which you object or state that you oppose the entire set of amendments to the rules. Any request that does not comply with these requirements is not valid and cannot be counted by the Authority when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed amendments to the rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the Authority must give written notice of this to all persons who requested a hearing, explain the actions the Authority took to affect the withdrawal, and ask for written comments on this action. If a public hearing is required, the Authority will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

---

---

# Proposed Rules

**Alternative Format/Accommodation.** Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the Authority contact person at the address or telephone numbers listed above.

**Modifications.** The proposed amendments to the rules may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must be supported by data and views submitted to the Authority or presented at the hearing and the adopted amended rules may not be substantially different than these proposed amendments to the rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed amended rules affect you in any way, you are encouraged to participate in the rulemaking process.

**Cancellation of Hearing.** The hearing scheduled for March 3 and March 4, 2008, will be canceled if the Authority does not receive requests from 25 or more persons that a hearing be held on the amendments to the rules. If you requested a public hearing, the Authority will notify you before the scheduled hearing whether or not the hearing will be held. You may also call the Authority contact person, Judith Lamp at (651) 999-7389 after February 22, 2008, to find out whether the hearing will be held.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the amendments to the rules, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The hearing will be held on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge Richard C. Luis is assigned to conduct the hearing. Judge Luis can be reached at the Office of Administrative Hearings, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone number (651) 361-7900.

**Hearing Procedure.** If a hearing is held, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed amendments to the rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five working day rebuttal period during which the Authority and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. Questions about procedure may be directed to the Administrative Law Judge. The Authority requests that any person submitting written views or data to the Administrative Law Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the Authority contact person at the address stated above.

**Statement of Need and Reasonableness.** A free copy of the statement of need and reasonableness is now available from the Authority contact person, Judith Lamp. This statement contains a summary of the justification for the proposed amended rules, including a description of who will be affected by the proposed amendments to the rules and an estimate of the probable cost of the proposed amendments to the rules.

The statement of need and reasonableness is posted on the Minnesota Board of School Administrator's website at <http://www.msbsa.org>

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 296-5148 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no hearing is required, the Authority may adopt the amendments to the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the amendments to the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the Authority to receive notice of future rule proceedings, submit your request to the Authority contact person listed above.

**Adoption Procedure After a Hearing.** If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed amendments to the rules. You may ask to be notified of the date when the Administrative Law Judge's report will

# Proposed Rules

become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the Authority adopts the rules and the rules are filed with the Secretary of State, and can make this request at the hearing or in writing to the Authority contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Signed: December 17, 2007

Mary Mackbee, Chair  
Minnesota Board of School Administrators

## 3512.0100 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 2a. **Board.** “Board” means the Minnesota Board of School Administrators.

Subp. 3. **Commissioner.** “Commissioner” means the commissioner of the Department of Education.

Subp. 4. **Department.** “Department” means the Department of Education.

Subp. 5. **Director.** “Director” means the director and the assistant director of special education, or the director and assistant director of community education who perform duties consisting of 50 percent or more in administration, personnel, supervision, evaluation, and curriculum.

Subp. 5a. **Executive director.** “Executive director” means the executive director of the Board of School Administrators.

Subp. 6. **Principal.** “Principal” means elementary ~~and, secondary, and kindergarten~~ through grade 12 school principals and assistant principals who perform duties consisting of 50 percent or more in administration, personnel, supervision, evaluation, and curriculum.

Subp. 7. **Superintendent.** “Superintendent” means superintendents and assistant superintendents who perform duties consisting of 50 percent or more in administration, personnel, supervision, evaluation, and curriculum.

## 3512.0200 EDUCATION AND EXPERIENCE REQUIREMENTS FOR SUPERINTENDENT, PRINCIPAL, AND DIRECTOR OF SPECIAL EDUCATION.

Subpart 1. **Scope.** A person holding a position as a superintendent, ~~principal,~~ assistant superintendent, ~~principal,~~ or assistant principal, ~~special education director, or assistant special education director~~ must hold the appropriate license as a superintendent or principal.

Subp. 2. **Teaching experience.** An applicant for licensure as a superintendent ~~or, principal, or special education director~~ shall have three years of successful classroom teaching experience while holding a classroom teaching license valid for the position or positions in which the experience was gained. ~~Licensure as an elementary school principal shall be granted to those applicants with an elementary teaching license and the elementary teaching experience required in this part. Licensure as a secondary school principal shall be granted to those applicants with a secondary teaching license and the secondary teaching experience required in this part.~~ For purposes of this subpart, “classroom teaching license” means a license valid to teach elementary school, secondary school subjects, prekindergarten, or kindergarten to grade 12 subjects granted by the Board of Teaching. ~~It does not include limited licenses, provisional licenses, intern licenses, postsecondary vocational licenses, or secondary vocational licenses based on criteria other than degree requirements.~~

Subp. 3. **K-12 principals and superintendents, principals, and directors of special education.**

A. An applicant for licensure as a ~~K-12 principal or superintendent, principal, or director of special education~~ must complete:

~~A. complete (1) a specialist or doctoral program or a program consisting of a master’s degree plus 45 quarter credits in school administration 60 semester credits beyond the bachelor’s degree that includes a terminating graduate degree and topics preparatory for educational administration and the Minnesota competencies identified in part 3512.0510. Each program must be approved by the commissioner Board of School Administrators pursuant to part 3512.2500 and be offered at a regionally accredited Minnesota graduate school; and~~

~~(2) item B for an applicant for superintendent or principal or item C for an applicant for director of special education.~~

~~B. An applicant for licensure as a superintendent or principal must have field experience of at least 320 hours or eight weeks 40 eight-hour days to be completed within 12 continuous months in elementary or secondary, middle or junior high, and high schools as an administrative aide to a licensed and practicing school principal, or have placement with a licensed educational administrator appropriate for the school superintendency and principalship; for principal licensure or superintendent for superintendent licensure. The field experience must include at least 40 hours or one week at each level not represented by the applicant’s primary teaching experience.~~

~~C. An applicant as a director of special education must have a practicum or field experience, that must include a minimum of 320 hours in an administrative position under the immediate supervision of a licensed director of special education. The field experience will include at least 40 hours or one week at a special education administrative unit other than the primary experience of the applicant.~~

[For text of subps 4 and 5, see M.R.]



---

---

# Proposed Rules

## **3512.0300 SCHOOL SUPERINTENDENTS AND, PRINCIPALS, AND DIRECTORS OF SPECIAL EDUCATION.**

Subpart 1. **License required.** A person who serves as or performs the duties of a superintendent ~~or, principal, or director of special education~~ shall hold a license appropriate to the position of school superintendent ~~or school, principal, or director of special education~~. Performance of duties includes duties that provide assistance to the superintendent ~~or, principal, or director of special education~~ consisting of 50 percent or more in administration, ~~personnel,~~ supervision, evaluation, and curriculum.

~~Entrance Initial~~ licenses may be issued for each administrative licensure area for which licensure is sought. An applicant must meet requirements for licensure as a superintendent of schools ~~or, as a school principal, or as a director of special education~~.

Subp. 2. **Institutional requirement.** An institution applying to the ~~commissioner board~~ for approval of a preparation program leading to licensure as superintendent ~~or, principal, or director of special education~~ shall comply with part 3512.2500. An approved program must include a description of how applicants for licensure may have their experience and preparation in those areas listed in subpart 3 or 4 evaluated by an institution with an approved program. The evaluation must include representation from college departments involved with the licensure program and licensed practicing superintendents ~~and, principals, and director of special education~~. This evaluation must result in a plan for the applicant to complete the knowledge, skills, and ~~abilities~~ dispositions listed in ~~parts 3512.0500 and 3512.0600, and may include a reduction of the required college credits necessary for an applicant to be recommended for licensure or a recommendation for licensure for currently licensed elementary and secondary principals~~ part 3512.0510.

An approved program for the competency and situational observation component must include an exit evaluation that requires a licensure candidate to demonstrate mastery of aptitude with the knowledge, understanding skills, and abilities ~~listed~~ dispositions in ~~parts 3512.0500 and 3512.0600~~ part 3512.0510. The exit evaluation must focus on those skill components not previously demonstrated during completion of the fieldbased experience requirement. One acceptable model for evaluating aptitude in these components places the candidate in a series of realistic hypothetical problemsolving situations while being observed by a team of two to four persons including practicing administrators competent to evaluate the candidate's aptitude and knowledge of skill areas. This exit evaluation must allow the candidate to demonstrate aptitude with the knowledge areas within a reasonable time frame.

[For text of subp 3, see M.R.]

Subp. 4. **Persons holding life or permanent licenses.**

A. A person holding a Minnesota life or permanent license as a superintendent or principal need not hold an entrance initial license or a continuing license in that administrative licensure area.

[For text of item B, see M.R.]

Subp. 5. **Administrative licensure completed outside of Minnesota.** A person prepared in another state must be granted an initial license in accordance with part 3512.2600. One year of full-time experience as a superintendent, assistant superintendent, principal, or assistant principal in another state may be substituted for the field experience required by part 3512.0400. A person licensed in another state must achieve educational equivalency by the end of their initial license with persons licensed in Minnesota. Educational equivalency includes 30 semester credits beyond a masters degree or 60 semester credits beyond a bachelor degree.

Subp. 6. [See repealer.]

## **3512.0400 PROGRAM REQUIREMENTS.**

Subpart 1. **Field experience.** ~~A college or university shall design a field experience to accommodate a person's needs and emphasize the knowledge and skills of the program outcomes. An approved school licensure program must include a 320-hour field experience. A person taking part in field experiences shall not replace required superintendents, principals, or superintendents. Program outcomes of the directors of special education. Field experience should be mutually agreed upon with the candidate and the onsite administrator. Emphasis should be placed on outcomes must focus on the knowledge, skills, and outcomes not included in a person's previous preparation and experiences~~ dispositions evident in the competencies for school administrators under part 3512.0510.

Subp. 2. [See repealer.]

Subp. 3. **Situational observation component.** An approved licensure program for superintendents ~~and, principals, or directors of special education~~ must include a component that requires a person to demonstrate mastery of the program knowledge ~~and, skills contained, and dispositions~~ in ~~parts 3512.0500 and 3512.0600~~ part 3512.0510. The extent of mastery shall be evaluated by placing the person in a series of realistic hypothetical problemsolving situations while being observed by a team of two to four persons, including a licensed school administrator, competent to evaluate the extent of mastery of the knowledge and skills. Other committee members should be selected from higher education preparers of school administrators and school board members. The exit evaluation should focus on knowledge ~~and, skills, not previously demonstrated during the field experience requirements and dispositions evident in the competencies for school administrators~~ under part 3512.0510 and may contain a combination of objective examinations, portfolio reviews, and observations.

## **3512.0510 PROGRAM REQUIREMENTS FOR ALL ADMINISTRATIVE LICENSES.**

Subpart 1. **Core leadership competencies for Minnesota administrative licenses.** A person who serves as a superintendent, principal, director of special education, or director of community education shall demonstrate competence in the following core areas:

# Proposed Rules

---

## A. Leadership by:

- (1) collaboratively assessing and improving culture and climate;
- (2) providing purpose and direction for individuals and groups;
- (3) modeling shared leadership and decisionmaking strategies;
- (4) demonstrating an understanding of issues affecting education;
- (5) through a visioning process, formulating strategic plans and goals with staff and community;
- (6) setting priorities in the context of stakeholder needs;
- (7) serving as a spokesperson for the welfare of all learners in a multicultural context;
- (8) understanding how education is impacted by local, state, national, and international events;
- (9) demonstrating the ability to facilitate and motivate others; and
- (10) demonstrating the ability to implement change or educational reform;

## B. Organizational management by:

- (1) demonstrating an understanding of organizational systems;
- (2) defining and using processes for gathering, analyzing, managing, and using data to plan and make decisions for program evaluation;
- (3) planning and scheduling personal and organizational work, establishing procedures to regulate activities and projects, and delegating and empowering others at appropriate levels;
- (4) demonstrating the ability to analyze need and allocate personnel and material resources;
- (5) developing and managing budgets and maintaining accurate fiscal records;
- (6) demonstrating an understanding of facilities development, planning, and management; and
- (7) understanding and using technology as a management tool;

## C. Diversity leadership by:

- (1) demonstrating an understanding and recognition of the significance of diversity, and responding to the needs of diverse learners;
- (2) creating and monitoring a positive learning environment for all students;
- (3) creating and monitoring a positive working environment for all staff;
- (4) promoting sensitivity of diversity throughout the school community; and
- (5) demonstrating the ability to adapt educational programming to the needs of diverse constituencies;

## D. Policy and law by:

- (1) developing, adjusting, and implementing policy to meet local, state, and federal requirements and constitutional provisions, standards, and regulatory applications;
- (2) recognizing and applying standards of care involving civil and criminal liability for negligence, harassment, and intentional torts; and
- (3) demonstrating an understanding of state, federal, and case law governing general education, special education, and community education;

## E. Political influence and governance by:

- (1) exhibiting an understanding of school districts as a political system, including governance models;
- (2) demonstrating the ability to involve stakeholders in the development of educational policy;
- (3) understanding the role and coordination of social agencies and human services; and
- (4) demonstrating the ability to align constituencies in support of priorities and build coalitions for programmatic and financial support;

## F. Communication by:

- (1) formulating and carrying out plans for internal and external communications;
- (2) demonstrating facilitation skills;
- (3) recognizing and applying an understanding of individual and group behavior in normal and stressful situations;
- (4) facilitating teamwork;
- (5) demonstrating an understanding of conflict resolution and problem-solving strategies;
- (6) making presentations that are clear and easy to understand;
- (7) responding, reviewing, and summarizing information for groups;
- (8) communicating appropriately, speaking, listening, and writing, for different audiences such as students, teachers, parents, community, and other stakeholders; and
- (9) understanding and utilizing appropriate communication technology;

## G. Community relations by:

- (1) articulating organizational purpose and priorities to the community and media;
- (2) requesting and responding to community feedback;
- (3) demonstrating the ability to build community consensus;

- (4) relating political initiatives to takeholders, including parental involvement programs;
- (5) identifying and interacting with internal and external publics;
- (6) understanding and responding to the news media;
- (7) promoting a positive image of schools and the school district;
- (8) monitoring and addressing perceptions about schoolcommunity issues; and
- (9) demonstrating the ability to identify and articulate critical community issues that may impact local education;

**H. Curriculum planning and development for the success of all learners by:**

- (1) demonstrating the ability to enhance teaching and learning through curriculum assessment and strategic planning for all learners, including early childhood, elementary, middle and junior high school, high school, special education, and adult levels;
- (2) demonstrating the ability to provide planning and methods to anticipate trends and educational implications;
- (3) demonstrating the ability to develop, implement, and monitor procedures to align, sequence, and articulate curriculum and validate curricular procedures;
- (4) demonstrating the ability to identify instructional objectives and use valid and reliable performance indicators and evaluative procedures to measure performance outcomes;
- (5) appropriately using learning technologies;
- (6) demonstrating an understanding of alternative instructional designs, curriculum, behavior management, and assessment accommodations and modifications; and
- (7) demonstrating an understanding of the urgency of global competitiveness;

**I. Instructional management for the success of all learners by:**

- (1) demonstrating an understanding of research of learning and instructional strategies;
- (2) describing and applying research and best practices on integrating curriculum and resources to help all learners achieve at high levels;
- (3) demonstrating the ability to utilize data for instructional decision making;
- (4) demonstrating the ability to design appropriate assessment strategies for measuring learner outcomes;
- (5) demonstrating the ability to implement alternative instructional designs, curriculum, behavior management, and assessment accommodations and modifications; and
- (6) demonstrating the ability to appropriately use technology to support instruction;

**J. Human resource management by:**

- (1) demonstrating knowledge of effective personnel recruitment, selection, and retention;
- (2) demonstrating an understanding of staff development to improve the performance of all staff members;
- (3) demonstrating the ability to select and apply appropriate models for supervision and evaluation;
- (4) describing and demonstrating the ability to apply the legal requirements for personnel selection, development, retention, and dismissal;
- (5) demonstrating an understanding of management responsibilities to act in accordance with federal and state constitutional provisions, statutory and case law, regulatory applications toward education, local rules, procedures, and directives governing human resource management;
- (6) demonstrating an understanding of labor relations and collective bargaining; and
- (7) demonstrating an understanding of the administration of employee contracts, benefits, and financial accounts;

**K. Values and ethics of leadership by:**

- (1) demonstrating an understanding of the role of education in a democratic society;
- (2) demonstrating an understanding of and model democratic value systems, ethics, and moral leadership;
- (3) demonstrating the ability to balance complex community demands in the best interest of learners;
- (4) helping learners grow and develop as caring, informed citizens; and
- (5) demonstrating an understanding and application of the Code of Ethics for School Administrators under part 3512.5200;

**L. Judgment and problem analysis by:**

- (1) identifying the elements of a problem situation by analyzing relevant information, framing issues, identifying possible causes, and reframing possible solutions;
- (2) demonstrating adaptability and conceptual flexibility;
- (3) assisting others in forming opinions about problems and issues;
- (4) reaching logical conclusions by making quality, timely decisions based on available information;
- (5) identifying and giving priority to significant issues;
- (6) demonstrating an understanding of and utilize appropriate technology in problem analysis; and
- (7) demonstrating an understanding of different leadership and decision-making strategies, including but not limited to collaborative models and model appropriately their implementation; and

# Proposed Rules

---

## M. Safety and security by:

- (1) demonstrating the ability to develop and implement policies and procedures for safe and secure educational environments;
- (2) demonstrating the ability to formulate safety and security plans to implement security procedures including an articulated emergency chain of command, safety procedures required by law, law enforcement assistance, communication with the public, and evacuation procedures;
- (3) demonstrating the ability to identify areas of vulnerability associated with school buses, buildings, and grounds and formulate a plan to take corrective action;
- (4) demonstrating an understanding of procedural predictabilities and plan variations where possible; and
- (5) demonstrating the ability to develop plans that connect every student with a school adult, eliminate bullying and profiling, and implement recommended threat assessment procedures.

Subp. 2. **Superintendent competencies.** A person who serves as a superintendent shall demonstrate all core competencies described in subpart 1 and competence in the following specific areas:

### A. Policy and law by:

- (1) demonstrating an understanding of the role policy plays in school district governance and administration;
  - (2) demonstrating knowledge of statutory regulations affecting school board meetings, communications, procedures, and practices;
- and
- (3) demonstrating an understanding of the roles and responsibilities of the school board;

### B. Political influence and governance by:

- (1) demonstrating an understanding of the role the political process plays in public education and the connection between them;
- (2) demonstrating an understanding of how to interact with local and state governments; and
- (3) demonstrating an understanding of the roles played by other community leaders in the school district;

### C. Communication by:

- (1) demonstrating knowledge of cultivating positive relationships between and with school board members; and
- (2) demonstrating an understanding of the importance of communication leadership between school district and its community;

D. Organization management by demonstrating knowledge of factors that affect school finance, including sources of revenue; expenditure classifications; generally acceptable accounting principles; and local, state, and federal finance calculations; and

E. Judgment and problem analysis by demonstrating knowledge of how to balance varied and competing interests to ensure the mission and vision of the school district is carried forward.

Subp. 3. **Principal competencies.** A person who serves as a principal shall demonstrate all core competencies described in subpart 1 and competence in the following specific areas:

### A. Instructional leadership by:

- (1) demonstrating the ability to understand and apply schoolwide literacy and numeracy systems; and
- (2) demonstrating the ability to understand and apply districtwide literacy and numeracy systems;

### B. Monitor student learning by:

- (1) demonstrating the ability to create a culture that fosters a community of learners;
- (2) demonstrating an understanding of student guidance systems and auxiliary services;
- (3) demonstrating the ability to implement a positive and effective student management system;
- (4) demonstrating the ability to develop and implement effective student discipline plans;
- (5) demonstrating the ability to develop a master instructional schedule;
- (6) demonstrating the ability to meet the enrichment, remediation, and special education needs of all students; and
- (7) demonstrating the ability to understand and support a comprehensive program of student activities; and

### C. Early childhood through grade 12 leadership by:

- (1) demonstrating an understanding of the articulation and alignment of curriculum from preschool through grade 12;
- (2) demonstrating an understanding of different organizational systems and structures at early childhood, elementary, middle or junior high, and high school levels;
- (3) demonstrating the ability to work with children of all ages;
- (4) demonstrating the ability to work with parents, teachers, and other staff in all levels of schooling;
- (5) demonstrating an understanding of the characteristics of effective transitions from one level of schooling to the next; and
- (6) demonstrating an understanding of the developmental needs of children of all ages.

Subp. 4. **Director of special education competencies.** A person who serves as a director of special education shall demonstrate the core competencies described in subpart 1 and competence in the following specific areas:

### A. Policy and law by:

- (1) demonstrating an understanding of state and federal laws, rules, and procedures governing special education finance, budgeting, and accounting; and

---

## Proposed Rules

(2) demonstrating an understanding of state and federal regulations governing the monitoring of special education programs.

B. Organizational management by:

(1) demonstrating an understanding of the role policy and procedure play in school district governance and administration;

(2) demonstrating knowledge of statutory regulations affecting board meetings, communications, procedures, and practices that affect special education governance; and

(3) demonstrating an understanding of special education administrative models used in Minnesota.

C. Resource allocation by:

(1) demonstrating an understanding of special education program development including needs assessment, design, and evaluation; and

(2) demonstrating an understanding of the resources available, along with the agencies and organizations that serve students with a disability and their families.

**Subp. 5. Director of community education competencies.** A person who serves as a director of community education shall demonstrate the core competencies described in subpart 1 and competence in the following specific areas:

A. Community education concepts by:

(1) understanding and describing the history and philosophy of community education;

(2) demonstrating a knowledge and application of the principles of community education;

(3) demonstrating a knowledge of the role of the local school district's administrative team and the community education director's place within it;

(4) demonstrating, facilitating, and leading the integration of community education into the early childhood through grade 12 system;

(5) demonstrating the skills necessary to conduct community needs assessments, determine educational objectives, select learning experiences, schedule and promote programs, and establish and implement registration procedures;

(6) demonstrating knowledge of the various assessment tools used to effectively evaluate community education programs; and

(7) demonstrating an understanding of the resources available to support learners of all abilities.

B. Community capital by:

(1) demonstrating a knowledge of the role, organization, functions, and development of advisory councils;

(2) demonstrating the ability to involve advisory councils in addressing community and school issues;

(3) demonstrating the ability to build collaborative partnerships in the community;

(4) demonstrating the ability to effectively identify the community political structures, both formal and informal;

(5) demonstrating the ability to identify and effectively use local, civic, and business resources to enhance the lifelong learning opportunities within the community;

(6) demonstrating the knowledge of the techniques used for developing leadership among community members;

(7) demonstrating knowledge about sustaining community involvement in the community education process; and

(8) demonstrating knowledge of factors that affect school finance, including sources of revenue; expenditure classifications; generally acceptable accounting principles; and local, state, and federal finance calculations.

### **3512.0700 ADMINISTRATIVE LICENSURE WITHOUT TEACHING EXPERIENCE FOR SUPERINTENDENTS, PRINCIPALS, AND DIRECTORS OF SPECIAL EDUCATION.**

[For text of subps 1 and 2, see M.R.]

**Subp. 3. Field experience.** An applicant shall have satisfactorily completed a field experience in school administration, which as an intern in the license area sought. The field experience shall be in a school district setting appropriate for the license under the supervision of educators from an approved college or university school administration program and a licensed practicing school administrator working in the area of the intern's field experience. The field experience must consist of at least 320 hours, of which at least 40 must be in each school level: elementary, middle grades, and high school, and is in addition to the internship teaching experience described in subpart 4.

**Subp. 3a. Teaching knowledge and skills.** An applicant shall demonstrate basic teaching knowledge and skills as required by part 8710.2000. The applicant shall:

A. present a portfolio or other appropriate presentation as determined by the approved school administration program demonstrating teaching knowledge and skills; or

B. meet the examination requirement of part 8710.0510, subpart 1, items A and B, and subpart 3, items A and B.

**Subp. 4. Teaching internship requirement.** An applicant shall have experience and knowledge in curriculum, school organization, philosophy of education, and early childhood, elementary and secondary, junior high, middle school, and senior high schools. The internship shall:

A. include one school year with a minimum hour equivalency of 1,050 hours of classroom experience experiences, including eight weeks of supervised teaching;

B. be under the supervision of a practicing, licensed practicing school administrator;

[For text of items C and D, see M.R.]



# Proposed Rules

## 3512.0800 ALTERNATIVE LICENSURE FOR SCHOOL SUPERINTENDENTS.

Subpart 1. **Intent of alternative license.** An applicant for an alternative license shall demonstrate skills and competencies needed to perform the functions of a superintendent. This alternative is intended for applicants ~~lacking the teaching background and administrative preparation program required in parts~~ who do not meet the requirements for superintendent licensure as specified in part 3512.0200 and 3512.0400.

Subp. 2. **Procedures for licensure.** An applicant for an alternative license must demonstrate that the applicant has substantive experience and education in administration, supervision, management, and executive leadership, in either education, health care, business or industry, labor, or government. An applicant for an alternative license shall:

- A. complete a written application;
- B. provide a written description of the exceptional qualifications;
- C. provide an official college transcript;
- D. document competence in reference to part 3512.0510, subparts 1 and 2, and other educational and leadership experience;
- E. provide a professional resume; and
- F. include letters of recommendation and portfolio examples.

Subp. 3. **Credential review committee.** An applicant ~~may~~ shall appear before a credential review committee and present evidence relating to the applicant's proposed effectiveness as a superintendent. Data and information regarding leadership effectiveness shall be presented as ~~may~~ testimony from teachers, parents, students, site council members, community members, and other interested persons. The review committee ~~may~~ shall consist of a licensed administrator appropriate to the field, a college or university administration preparer, and a member of a local school board or person of similar background. The credential review committee shall make a recommendation to the ~~manager of the licensing team regarding licensure~~ executive director.

[For text of subps 4 and 5, see M.R.]

Subp. 6. **Issuance of license.** Initial and renewal licenses shall be issued according to this subpart.

A. Based upon the credential review committee recommendation, the applicant may be granted a two-year ~~entrance initial~~ license. The ~~commissioner board~~ may also identify needed activities which the candidate shall implement during the period of the ~~entry initial~~ license to strengthen the individual's skills which may lead to improved results as a principal superintendent. This may include a mentoring experience or specific skills or competencies that need improvement.

B. The two-year ~~entrance initial~~ license may be renewed for a five-year license after verification of one year of successful administrative experience. Subsequent five-year renewals shall be granted based upon continuing education requirements in part 3510.2700, subpart 4.

Subp. 7. **Appeal.** If the candidate's initial application is rejected, an appeal may be filed with the ~~commissioner of education board~~ within 30 days of the denial.

Subp. 8. **Fee.** In addition to the license fee under part 3512.2000, subpart 1, the ~~commissioner board~~ may charge a fee for the review process to recover costs.

## 3512.1200 CONTINUING EDUCATION PROGRAMS FOR DIRECTORS, PRINCIPALS, AND SUPERINTENDENTS.

[For text of subpart 1, see M.R.]

Subp. 1a. **Approval.** All continuing education programs, and the clock hours which may be earned in each program, must be approved by the ~~commissioner board~~. If clock hours are to be earned, approval must be secured before participants are registered in a continuing education program. Admission to all approved continuing education programs shall be open to any licensed Minnesota school administrator ~~or supervisor who meets the education and experience requirements for admission~~. The department board shall disseminate lists of known approved continuing education programs twice annually.

Subp. 2. **Program initiator.** The initiator of a continuing education program has complete responsibility for conducting that program. However, the initiator may use resources from professional associations, governmental agencies, and the private business sector. The program initiator is responsible for:

[For text of item A, see M.R.]

- B. forwarding continuing education program proposals to the ~~commissioner board~~ for approval; and
- C. maintaining communication with the ~~commissioner board~~ concerning the status of all approved continuing education programs offered; and
- D. ~~reporting to the commissioner the names of all individuals who complete an approved continuing education program including the number of clock hours earned by each individual.~~

Subp. 3. **Content of continuing education program.** Each continuing education program shall consist of at least three clock hours and each program proposal shall contain:

[For text of items A to E, see M.R.]

- F. statements indicating the number of clock hours requested for the proposed program; and
- G. length of time for which approval is being requested; ~~and;~~

H. the number of times that the program is to be offered during the approval period; and

G. I. evidence that qualified staff have been assigned to the program and that other resources necessary to the program have been allocated.

Subp. 4. **Term of approval.** Programs may be approved for periods of time up to two years. A program will be approved if it meets the requirements of the rules and if the ~~commissioner board~~ determines that the program is adequate to fulfill the purposes of continuing education requirements.

### 3512.1300 PROCEDURES FOR VOLUNTARY SURRENDER OF LICENSES.

Subpart 1. **Materials required to surrender license.** A person holding a license granted by the ~~commissioner of education board~~ may voluntarily surrender the license by submitting to the ~~manager of the personnel licensing section~~ executive director of the ~~Department of Education board~~:

[For text of items A to D, see M.R.]

Subp. 2. **Surrender date.** When the ~~manager of the personnel licensing section board~~ receives the materials listed in subpart 1 by January 1, the date of surrender is July 1 of that year. If the materials are received after January 1, the date of license surrender is July 1 of the following calendar year. An applicant may revoke the request to surrender a license. The revocation must be made in writing to the ~~manager~~ executive director of the ~~personnel licensing section board~~ no later than December 31 of the year in which the request for voluntary surrender is received by the ~~manager of the personnel licensing section board~~.

Subp. 3. **When surrender is prohibited.** A person may not voluntarily surrender a license if:

[For text of item A, see M.R.]

B. the ~~commissioner of education board~~ has begun proceedings to suspend or revoke the license pursuant to part 3512.5200 and Minnesota Statutes, sections 122A.20 and 214.10; or

[For text of item C, see M.R.]

Subp. 4. **Entrance Initial license after surrender.** A person whose Minnesota administrative or supervisory license has been voluntarily surrendered may apply for ~~entrance initial~~ licensure in the field for which licensure was previously surrendered. An ~~entrance initial~~ license must be granted to the applicant if:

[For text of item A, see M.R.]

B. the applicant meets the entrance licensure standards that are in effect in the field at the time of application and meets procedures in ~~Department of Education board~~ rules applicable to an entrance license; and

[For text of item C, see M.R.]

[For text of subp 5, see M.R.]

### 3512.1500 THE ISSUANCE AND RENEWAL OF LICENSES.

Subpart 1. **Renewal.** ~~All licenses~~ A license to serve as superintendent ~~and, principal, or director~~ shall bear the date of issue and the date of expiration and may be renewed on or before July 1 in the year of expiration.

Subp. 2. **Expiration.** After July 1 in the year of expiration, ~~all licenses~~ a license to serve as superintendent ~~and, principal, or director~~ shall be deemed expired and no longer valid for administration.

Subp. 3. **Fees.** Each application for the issuance and/or renewal of a license to serve as superintendent ~~or, principal, or director~~ shall be accompanied by a processing fee in the amount of ~~\$40 effective July 1, 1983~~ \$57 effective July 1, 2004.

### 3512.1600 APPEALS.

Subpart 1. **Licensure denials.** A person denied an administrative license may appeal the denial under *Minnesota Statutes*, chapter 14, to a final decision by the ~~commissioner of education~~ Board of School Administrators.

Subp. 2. **Appeal request.** A person entitled to a hearing under this part shall file a written request for a hearing with the ~~commissioner of education~~ executive director within 30 days from the date of the denial. Failure to file a written request for a hearing within 30 days constitutes a waiver of the person's right to a hearing.

### 3512.1700 RULES REVIEW.

Licensure standards for superintendents ~~and, principals, and directors~~ shall be reviewed every even-numbered year beginning in the year 2000 2008. ~~The review shall be conducted by a committee appointed by the commissioner who shall report recommendations to the commissioner of education.~~

### 3512.2000 REQUIREMENTS FOR ISSUANCE AND RENEWAL OF LICENSES.

Subpart 1. **In general.** An applicant must qualify separately for each licensure area for which application is made and provide evidence of satisfactory completion of a program in ~~such the~~ licensure area ~~which that~~ has been approved by the ~~commissioner board~~.

# Proposed Rules

Each application for the issuance or renewal of a license shall be accompanied by a ~~the~~ processing fee ~~set by the Board of Teaching~~ in part ~~8700.0600~~ 8710.0200. The processing fee shall be nonrefundable for applicants not qualifying for a license, except the fee is refundable when the applicant for a license already holds the license for which application is made and that license does not expire in the year the application is submitted.

All licenses must be issued or renewed according to criteria established in rules of the ~~Department of Education board~~ and are valid for the period of time specified in this part. All licenses must bear the date of issuance and expire on the specified number of years from July 1 nearest the date licensure was approved. Applications for renewal must be accepted by the ~~commissioner~~ Minnesota Department of Education, Division of Educator Licensing and Teaching Quality, after January 1 of the year of expiration. The renewal period begins on July 1 of the year of expiration. After June 30 in the year of expiration, all licenses not renewed expire and are no longer valid.

Subp. 2. **Initial license.** The initial license issued in any licensure area is an entrance license, valid for two years. Licenses valid for administration and supervision in Minnesota schools must be granted to persons who meet all requirements of applicable statutes and rules and who complete programs approved by the ~~commissioner board~~ leading to licensure in Minnesota institutions that are approved by the board of ~~Teaching~~ pursuant to part ~~8700.7600~~ 3512.2500 to prepare persons for licensure.

[For text of subp 3, see M.R.]

Subp. 4. **Continuing license.** A continuing license, valid for five years, must be issued and renewed upon application according to provisions enumerated in the specific licensure rules of the ~~Department of Education board~~ for the continuing license being issued or renewed.

## **3512.2100 ENTRANCE INITIAL LICENSE.**

Requirements must be met for each administrative area where licensure is sought. An ~~entrance~~ initial license shall be issued to an applicant who has met all of the following requirements. An applicant must:

A. fulfill the requirements of parts 3512.2000, subparts 1 and 2, and 3512.2700; and

B. be recommended for licensure by a Minnesota Board of School Administrators approved Minnesota college or university which, in making such a recommendation, attests to satisfactory completion of the approved program by the applicant. An applicant coming to Minnesota from another state must present to the ~~commissioner~~ Minnesota Department of Education, Division of Educator Licensing and Teacher Quality, a transcript of college or university work to be analyzed in order to determine comparability of program.

## **3512.2400 SUSPENSION AND REVOCATION OF LICENSES.**

Subpart 1. **Cause.** The license of a ~~director~~, superintendent, ~~or~~ principal, or director may be revoked or suspended for any of the following causes:

[For text of items A to C, see M.R.]

D. fraud or misrepresentation in obtaining a license; ~~or~~

E. felony conviction of a ~~felony~~ which directly relates to the occupation for which licensure is held; or

F. violation of part 3512.5200, code of ethics for school administrators.

Subp. 2. **Procedure for suspension and revocation of licenses.** The ~~State Board of Education board~~ may act to suspend or revoke the license of a person whose license was granted by the board of ~~Education~~ after the following procedures have been followed:

A. A written complaint that specifies the nature and character of the charges against the licensee is filed with the ~~State board of Education~~ by a student, parent, community member, ~~or the school board employing the person, or by the commissioner.~~

B. The ~~commissioner, within ten calendar days after the filing of the complaint with the State Board of Education, serves a copy of the complaint upon the licensee by certified mail addressed to the licensee at the licensee's last known address~~ board notifies the licensee of the allegations contained in the complaint, giving the licensee an opportunity to respond to the allegations.

C. The licensee, within 20 calendar days after the service of the copy of charges, files with the ~~State Board of Education an answer to the charges specified. The failure to answer within the 20calendar day period is a waiver of the right to a hearing.~~

~~D:~~ A hearing conducted according to the rules of the Office of Administrative Hearings, if not waived, must be held.

Subp. 3. **Revocation.** Revocation includes the cancellation or repeal of a license or renewal privilege. Revocation disqualifies a person from performing any function that is permitted on the basis of holding a license issued ~~pursuant to under~~ the rules of the ~~State board of Education.~~ Revocation is final, except that a person whose license has been revoked may petition the ~~State board of Education~~ for licensure ~~pursuant to under~~ subpart 6.

Subp. 4. **Suspension.** Suspension includes the temporary withdrawal of a license or renewal privilege. Suspension disqualifies a person from performing any function that is permitted on the basis of holding a license issued ~~pursuant to under~~ the rules of the ~~State Board of Education board.~~ The length of each suspension and any terms and conditions attached to the suspension must be determined by the ~~State Board of Education board~~ on consideration of:

[For text of items A to D, see M.R.]

Subp. 5. **Applicability.** Unless otherwise provided by the ~~State Board of Education board~~, a revocation or suspension applies to each

---

---

## Proposed Rules

license or renewal privilege held by the individual at the time final action is taken by the ~~State Board of Education board~~. A person whose license or renewal privilege has been suspended or revoked is ineligible to be issued any other license by the ~~State Board of Education board~~ during the pendency of the suspension or revocation.

Subp. 6. **Issuance of license after revocation.** A person whose license or renewal privilege has been revoked by the ~~State Board of Education board~~ may apply for and ~~must~~ may be granted an ~~entrance initial~~ license upon presentation of reliable evidence that all terms and conditions that the board imposed have been fulfilled, and upon meeting current licensure standards.

Subp. 7. **Issuance or reinstatement of license after suspension.** A person whose license or renewal privilege has been suspended by the ~~State Board of Education board~~ may apply for reinstatement of that license according to this subpart.

[For text of items A to E, see M.R.]

### 3512.2500 PROCEDURES FOR APPROVAL OF LICENSURE PROGRAMS.

Subpart 1. **Request for approval.** Institutions approved by the board of Teaching pursuant to ~~under~~ part 8700.7600 3512.2500 to prepare persons for licensure may request approval by the ~~commissioner board~~ of licensure programs in administration and supervision. The programs shall be evaluated for initial approval and thereafter shall be audited for continuing approval according to this part.

Subp. 2. **Content of program description.** Each institution shall forward from the administrator of the defined administrative and instructional unit of that institution to the ~~commissioner board~~ a program description for each licensure program for which approval is requested. The licensure program description shall include:

[For text of items A to C, see M.R.]

D. an enumeration of the specific knowledge, skills, and ~~understandings~~ dispositions to be achieved by persons completing the licensure program;

E. a description of the licensure program which relates individual program components to the knowledge, skills, and ~~understandings~~ dispositions to be achieved by persons completing the licensure program;

[For text of items F to J, see M.R.]

Subp. 3. **Evidence required in program description.** Each program description forwarded to the ~~commissioner board~~ by an institution for each licensure program for which approval is requested shall include evidence that:

A. rules of the ~~Department of Education board~~ governing the licensure program are met;

[For text of items B and C, see M.R.]

Subp. 4. **Appraisal of program.** Before initial approval for the licensure program is granted, ~~department staff or~~ persons designated as program auditors by the ~~commissioner board~~ may visit the institution to examine the licensure program for the purpose of verifying the program description and making a recommendation regarding approval status. During the operation of an approved licensure program, an audit visit to verify that the approved program complies with this part may be arranged in consultation with the institution. Program auditors shall make a written report of their findings to the ~~commissioner board~~ and to the institution.

~~Department Board~~ staff or persons designated as program auditors by the ~~commissioner board~~ in consultation with the institution shall make audit visits on a fiveyear cycle to verify program descriptions and to make a recommendation regarding approval status of each licensure program.

Based upon appraisal of the program description prepared by the institution and the written report of the auditors, the ~~commissioner board~~ shall:

[For text of items A to D, see M.R.]

Subp. 5. **Conditional approval.** If a licensure program is conditionally approved, the ~~commissioner board~~ shall reconsider the approval status of the licensure program upon verification that the stated conditions are met. If stated conditions are not met within the established time lines, conditional approval must be withdrawn.

[For text of subp 6, see M.R.]

Subp. 7. **Revisions made in program.** If an institution makes revisions in an approved licensure program, the administrator of the defined administrative and instructional unit of that institution shall forward to the ~~commissioner board~~ a written description of the licensure program revision. An audit must be made to verify that the revised licensure program continues to meet rules of the ~~Department of Education board~~. Each verified licensure program revision is an amendment to the approved licensure program.

Subp. 8. **Revocation or suspension due to failure to meet rules.** The ~~commissioner board~~ shall revoke or suspend the approval of a licensure program if the ~~commissioner board~~ determines that an approved licensure program no longer complies with this part.

### 3512.2600 LICENSURE FOR PERSONS PREPARED IN STATES OTHER THAN MINNESOTA.

Subpart 1. **Criteria.** Minnesota licenses shall be granted to persons who otherwise meet applicable statutory requirements and who complete programs leading to licensure in colleges and universities located outside Minnesota. The licenses shall be granted only in licensure fields for which the ~~commissioner of education board~~ has established rules governing programs leading to licensure. Persons prepared in states other than Minnesota shall present their credentials to the board for approval. The board has jurisdiction on all matters

# Proposed Rules

concerning administrative licensure. The licenses shall be issued according to either item A or B as follows:

A. Persons who complete approved programs in colleges and universities leading to licensure within states which have signed contracts with Minnesota according to the Interstate Agreement on Qualification of Educational Personnel shall be granted a Minnesota ~~entrance~~ initial license. No licenses shall be issued on the basis of teaching experience only.

B. Persons who complete programs leading to licensure in colleges and universities within states outside Minnesota which have not signed contracts with Minnesota ~~according to the Interstate Agreement on Qualification of Educational Personnel~~ shall be granted a Minnesota ~~entrance~~ initial license when all of the following criteria are met:

[For text of subitems (1) and (2), see M.R.]

(3) the program leading to licensure completed by the applicant is essentially equivalent in content to approved programs offered by Minnesota colleges and universities ~~according to~~ under the rules of the ~~Department of Education~~ Board of School Administrators governing the licensure field; and

(4) the college or university which offers the program leading to licensure verifies that the applicant has completed an approved licensure program at that institution and recommends the applicant for a license in a licensure field at a licensure level.

Notwithstanding part 3510.4000 governing human relations, persons who have been prepared for licensure in states other than Minnesota shall be granted a Minnesota ~~entrance~~ initial license based upon the provisions of this part.

[For text of subp 2, see M.R.]

## 3512.2700 HUMAN RELATIONS REQUIREMENT.

All applicants for licenses to be issued or renewed under authority of the ~~commissioner of education~~ board shall complete a training program containing human relations components. Persons holding life licenses are exempted from this requirement except in those instances where the person holding a life license seeks to be licensed, or to have a license renewed, in an area for which the person does not hold a life license. Persons from outside Minnesota who wish to be licensed must complete a human relations training program during the two-year period of the ~~entrance~~ initial license. Components which constitute a human relations training program must be approved by the ~~commissioner of education~~ board.

Human relations components of programs which lead to licensure in education under authority of the ~~commissioner of education~~ board shall be approved upon submission of evidence:

[For text of items A to D, see M.R.]

## 3512.3500 DIRECTORS OF COMMUNITY EDUCATION.

Subpart 1. **Scope.** A person who serves as a district director of community education or assistant director of community education shall hold a license as a director of community education.

Subp. 2. **License requirement.** An applicant recommended for licensure as a director of community education shall:

A. hold a baccalaureate degree from a regionally accredited college or university; and

B. satisfactorily complete a preparation program listed in subpart 3, approved by the ~~commissioner~~ board leading to licensure of directors of community education.

Subp. 3. **Program requirement.** A program leading to the licensure of directors of community education must consist of a minimum of ~~30 quarter~~ 20 semester hours, or the equivalent, and must provide a candidate recommended for licensure with the knowledge, skills, and ~~abilities~~ dispositions in all of the subjects listed in ~~items A to H~~ part 3512.0510, subparts 1 and 5.

~~A. Community assessment includes the ability to:~~

- ~~(1) prepare and conduct a survey and tabulate and interpret the results;~~
- ~~(2) conduct interviews with community leaders, interagency personnel, and residents;~~
- ~~(3) address values and attitudes of various racial, ethnic, and socioeconomic subgroups within the community;~~
- ~~(4) understand the concept that individuals can determine their destiny within a rapidly changing society;~~
- ~~(5) analyze community power structure and its interaction for promoting community growth; and~~
- ~~(6) identify the physical, human, civic, social, financial, and cultural resources of the community.~~

~~B. Community involvement includes:~~

- ~~(1) skill in the application of the resolution of community issues process;~~
- ~~(2) knowledge of the types of advisory councils and their organization and potential functions;~~
- ~~(3) ability to involve an advisory council in addressing community issues;~~
- ~~(4) knowledge of methods of sustaining community involvement in the community education process; and~~
- ~~(5) knowledge of the techniques for developing leadership among community members.~~

~~C. Public relations and communications includes the:~~

- ~~(1) ability to speak before varied community groups to impart information about and understanding of community education;~~
- ~~(2) ability to identify the media outlets available to local programs and the conditions under which each is used;~~



---

---

## Proposed Rules

- (3) skill to develop articles such as publications, newsletters, and program brochures for program dissemination;
- (4) ability to articulate the community education concept, its development, implementation, maintenance, and expansion;
- (5) knowledge of the process available to identify community wants and needs; and
- (6) skills necessary to conduct effective meetings and the ability to train others to conduct effective meetings.

D. Coordination and cooperation includes the ability to:

- (1) develop strategies for building trust among community groups and between individuals;
- (2) participate in mutual goal setting activities with other groups and agencies; and
- (3) acknowledge and accept the autonomy of various groups and programs.

E. Program management includes the:

- (1) knowledge of the philosophy, mission, purpose, and current rules and regulations for community education programs;
- (2) skills necessary to conduct needs assessments, determine educational objectives, select and organize learning experiences, schedule and promote programs, and registration procedures;
- (3) skills necessary to recruit and provide in-service education to staff members; and
- (4) skills needed to supervise facilities, activities, and personnel.

F. Evaluation includes skills to:

- (1) evaluate personnel;
- (2) work with staff in evaluating individual programs; and
- (3) monitor evaluation efforts of staff and consultants for the total community education program.

G. Philosophy and administration of community education includes knowledge of:

- (1) the role of the local school district's administrative team and the community education director's place within it;
- (2) the professional responsibilities of superintendents, principals, teachers, and staff;
- (3) management styles;
- (4) management by objectives;
- (5) history and philosophy of education;
- (6) general education curriculum development;
- (7) goal development and achievement and the ability to implement goals;
- (8) education law as it pertains to community education;
- (9) education finance as it pertains to community education;
- (10) the history and philosophy of community education; and
- (11) human relations including intercultural and interpersonal components.

H. The person must complete a practicum, which is a field experience, that includes at least ~~200~~ 320 clock hours in an administrative position under the supervision of a licensed director of community education. During the field experience, the candidate shall demonstrate the ability to apply the knowledge and skills listed in ~~items A to G~~ part 3512.0510, subparts 1 and 5. A person prepared in another state as director of community education may substitute one year of experience as a district wide director of community education in another state for the field experience.

Subp. 4. **Institutional requirement.** An institution applying to the ~~commissioner board~~ for approval of a program leading to licensure as directors of community education shall comply with part 3512.2500. An approved program must include a description of how applicants for licensure may have their experience and preparation in those areas listed in subpart 3 evaluated by an institution with an approved program. The evaluation must include representation from college departments involved with the licensure program and licensed practicing directors of community education. This evaluation must result in a plan for the applicant to complete the knowledge, skills, and ~~abilities~~ dispositions listed in subpart 3 and may include a reduction of the required college credits necessary for an applicant to be recommended for licensure.

[For text of subs 5 to 8, see M.R.]

Subp. 9. **Approval for exception.** Subject to the conditions in this subpart, the ~~commissioner board~~ shall issue a letter of approval to a school district annually to allow the district to use an individual who is not fully licensed as the community education director if the school district is unable to employ a fully licensed director of community education.

[For text of items A to C, see M.R.]

### 3512.5200 CODE OF ETHICS FOR SCHOOL ADMINISTRATORS.

[For text of subpart 1, see M.R.]

Subp. 2. **Standards of professional conduct.** The standards of professional conduct for school administrators are listed in items A to K.

[For text of items A to H, see M.R.]

I. A school administrator shall only accept a contract for a position when licensed for the position or when a school district is granted

# Proposed Rules

a variance or letter of approval by the ~~commissioner of education under Minnesota Statutes, section 121.11, subdivision 7b~~ board.

[For text of items J and K, see M.R.]

[For text of subp 3, see M.R.]

Subp. 4. **Complaints handled by ~~commissioner of education~~ board.** When oral complaints alleging violations of the code of ethics for school administrators are received, the ~~commissioner of education~~ board shall request the complaining party to submit a written complaint. Upon receipt of a written complaint, the administrator named in the complaint shall be notified in writing ~~within ten days of the receipt~~ of the complaint. The administrator shall be entitled to be represented by the administrator's own counsel or representative at each stage of the investigation and hearing.

Subp. 5. **Enforcement procedures.** The ~~commissioner of education~~ board may impose one or more of the following penalties when it has found a violation of a standard under subpart 2. These actions shall be taken only after previous efforts at remediation have been exhausted.

A. The ~~commissioner of education~~ board may enter into agreements with administrators accused of violating the code of ethics that would suspend or terminate proceedings against the administrator on conditions agreeable to both parties.

B. A letter of censure from the ~~commissioner of education~~ board may be sent to the person determined to be in violation of the standards of the code of ethics. ~~A copy of the letter shall be filed with the commissioner of education.~~ The letter shall be kept on file for a period of time not to exceed one calendar year.

C. An administrator who has been found to have violated the code of ethics may be placed on probationary licensure status for a period of time to be determined by the ~~commissioner of education~~ board. The ~~commissioner~~ board may impose conditions on the administrator during the probationary period which are to be directed toward improving the administrator's performance in the area of the violation. During this period, the administrator's performance or conduct shall be subject to review by the ~~commissioner of education or the commissioner's designee~~ board. The review shall be directed toward monitoring the administrator's activities or performance with regard to whatever conditions may be placed on the administrator during the probationary period. Before the end of the probationary period, the ~~commissioner of education~~ board shall decide to extend or terminate the probationary licensure status or to take further disciplinary actions as consistent with this rule.

D. The license to practice of the person determined to be in violation of the standards of the code of ethics may be suspended for a period of time determined by the ~~commissioner of education~~ board.

E. The license to practice of the person determined to be in violation of the standards of the code of ethics may be revoked by the ~~commissioner of education~~ board.

**REVISOR INSTRUCTION.** The revisor of statutes shall renumber Minnesota Rules, part 3512.3500, as part 3512.0505 and correct cross references.

**REPEALER.** Minnesota Rules, parts 3512.0300, subpart 6; 3512.0400, subpart 2; 3512.0500; 3512.0600; 3512.1100; and 3512.1400, are repealed.

## Secretary of State

### Proposed Permanent Rules Relating to Elections

#### NOTICE OF HEARING

#### Proposed Amendments to Rules Governing Voter Registration and Absentee Voting, *Minnesota Rules*, chapters 8200 and 8210

**Public Hearing.** The Office of the Secretary of State intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing on the above-named rules in Room 117, Minnesota State Retirement System Building, 60 Empire Drive, Saint Paul, Minnesota 55103, starting at 9:00 AM on Friday, January 25, 2008, and continuing until the hearing is completed. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

**Administrative Law Judge.** Administrative Law Judge Richard C. Luis will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, **telephone:** (651) 361-7843,

---

---

## Proposed Rules

and **fax:** (651) 361-7936. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the administrative law judge.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rules are about voter registration and absentee voting. The proposed rules are authorized by *Minnesota Statutes*, sections 201.061, subd. 3, 201.221, and 203B.09. A copy of the proposed rules is published in the *State Register* issue dated December 24, 2007 and attached to this notice as mailed. These proposed rules are also available on the Web site of the Office of the Secretary of State at:

<http://www.sos.state.mn.us/home/index.asp?page=753>

Generally speaking, the proposed amendments are intended to:

- clarify and change the form and layout of the voter registration application to make it more user-friendly and to conform to changes in state statute
- provide for differences in form for application forms used on election day
- expand the proofs of residence available for use in registering on election day
- provide uniform procedures for the registration on election day of those persons living in residential facilities
- provide a process to ease voter registration in November general elections through which postsecondary educational institutions will provide certified lists of students to the secretary of state who will compile the lists and precinct data and provide the result to the appropriate county
- allow for flexibility in the format of rosters produced for counties by the secretary of state
- eliminate obsolete notices from one county to another when a voter moves
- modify the oath signed by a person vouching for an election-day registrant, provide a form to be used by election judges to record the number of persons vouched for by those vouchers other than employees of residential facilities
- require that Federal Postcard Applications for Absentee ballots (FPCA) are to be treated as voter registration applications in most cases
- provide a form for making challenges at the polling place
- eliminate obsolete language in chapter 8210
- add spaces for optional contact data language to many absentee balloting materials
- provide for the repeal of certain rules containing formats for absentee ballot applications
- revise the text and add graphic symbols for instructions given to absentee voters
- revise the text of the statements of absentee voters returned to election officials with the ballot
- modify language on absentee ballot return envelopes, and
- clarify the time requirements for permitting ballot correction on ballots returned by personal delivery

and make other similar technical and administrative changes and improvements described more fully in the Statement of Need and Reasonableness.

The agency contact person is: Bert Black at the Office of the Secretary of State, 180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Boulevard, (651) 201-1326, (651) 215-0682 (Fax), [Bert.Black@state.mn.us](mailto:Bert.Black@state.mn.us). TTY users may call the MN Relay Service at 1-800-627-3529.

**Statement of Need and Reasonableness.** The statement of need and reasonableness statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person, and is also posted on the Web site of the Office of the Secretary of State at:

<http://www.sos.state.mn.us/home/index.asp?page=753>

You may review or obtain copies of the SONAR by contacting the agency contact person.

**Registration With Agency to Receive Further Notices.** Any and all persons may register with the Office of the Secretary of State to receive notice of rule proceedings and notice that the agency intends to adopt a rule and other information required by law or rule. The agency contact person is: Bert Black at the Office of the Secretary of State, 180 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Boulevard, (651) 201-1326, (651) 215-0682 (Fax), [Bert.Black@state.mn.us](mailto:Bert.Black@state.mn.us) TTY users may call the MN Relay Service at 1-800-627-3529.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will

Cite 32 SR 1117) *State Register*, Monday 24 December 2007 Page 1117

# Proposed Rules

---

have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rules. You may also submit written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**Alternative Format/Accommodation.** Upon request, the agency can make this Notice available in an alternative format, such as large print, Braille, or cassette tape. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The agency may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

**Adoption Procedure After The Hearing.** After the close of the hearing record, the administrative law judge will issue a report on the proposed rules. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the administrative law judge. You may also ask to be notified of the date that the agency adopts the rules and files them with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the agency contact person stated above.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone: (651) 296-5148 or 1-800-657-3889.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Dated: December 24, 2007

Mark Ritchie  
Secretary of State

## 8200.1100 PRINTING SPECIFICATIONS.

**Subpart 1. Applications returned by mail.** Voter registration applications printed for the purpose of distribution and mailing must be printed pursuant to items A to D.

A. The size must be ~~six inches by 8-9/16 inches~~ 8-1/2 inches by 11 inches, including a 9/16-inch stub.

B. The paper must be at least ~~100-pound~~ 80-pound white offset.

C. The secretary of state may approve alternate forms of voter registration applications to be attached to or included in tax booklets and forms used by state agencies, and other forms deemed appropriate by the secretary of state if the forms have spaces for the information required in *Minnesota Statutes*, section 201.071. The secretary of state may approve the county use of an application with dimensions other than those prescribed in item A.

D. The ~~bottom~~ stub must have an adhesive applied to it so that the application can be sealed when it is folded together for mailing.

E. County auditors may consume the existing stock of voter registration applications on hand as of January 1, 2008, through the 2008 general election and on election days thereafter.

**Subp. 2. Other applications.** Voter registration applications for use at county auditor offices or at polling places on election day may be printed pursuant to items A to D.

A. The size must be 8-1/2 by 11 inches.

B. The paper must be at least 40-pound white offset.

C. The secretary of state may approve the county use of an application with dimensions other than those prescribed in item A.

D. The voucher oath prescribed by part 8200.9939 may be printed on the reverse side of the voter registration application produced

under this subpart.

## **8200.1200 REGISTRATION APPLICATION; FORMAT.**

Subpart 1. **Form.** Any voter registration application must:

- A. meet the requirements of Minnesota Statutes, section 201.071;
- B. be consistent in layout with the data entry screens used by the statewide voter registration system;
- C. take into consideration readability and ease of understanding;
- D. if produced under part 8200.1100, subpart 1, provide room for including a mailing address for returning the completed registration;
- E. have printed on or with the application a set of instructions for ~~each element of~~ the application; ~~and~~
- F. have printed on or with the application a statement that assistance for registration and voting is available for elderly and disabled persons and residents of health care facilities;
- G. have printed on the application a reference to where a privacy information statement may be found, if produced under part 8200.1100, subpart 1; and
- H. have printed on or with the application a privacy information statement, if produced under part 8200.1100, subpart 2.

Subp. 1a. [Repealed, 31 SR 350]

Subp. 1b. **Design specifications.** The secretary of state shall provide examples of the voter registration application to all county auditors.

Subp. 2. **Box for office use only.** Voter registration applications must contain a box marked for “election ~~day~~ judge official use only” which contains “W \_\_”, “P \_\_”, and “SD.” These abbreviations stand for “ward,” “precinct,” and “school district.” Other information may also be included. Judges of election shall record the type of election day voter registration proof and its number, if any, in the “election ~~day~~ judge official use only” box.

Subp. 3. **Identifying mark.** Voter registration applications may include a mark identifying where the applicant obtained the application or how the application was delivered to the county auditor or secretary of state.

## **8200.4000 PROCESSING OF FEDERAL POST CARD APPLICATION.**

Any federal post card application received from a member of the armed forces of the United States or from a person currently residing in Minnesota but temporarily living in another country must be processed as a voter registration application and, if the application is properly completed, the information on that application must be entered into the statewide voter registration system.

## **8200.5100 REGISTRATION AT PRECINCT ONLY.**

Subpart 1. **Procedure; proof.** Any person otherwise qualified but not registered to vote in the precinct in which the person resides may register to vote on election day at the polling place of the precinct in which the person resides. To register on election day, a person must complete and sign the registration application and provide proof of residence. A person may prove residence on election day only:

- A. by presenting:
  - (1) a valid Minnesota driver’s license, learner’s permit, or a receipt for either that contains the voter’s valid address in the precinct;
  - (2) a valid Minnesota identification card issued by the Minnesota Department of Public Safety or a receipt for the identification card that contains the voter’s valid address in the precinct; ~~or~~
  - (3) ~~a current student identification card that contains the student’s valid address in the precinct, a current student fee statement that contains the student’s valid address in the precinct, or a copy of a current student registration card that contains the student’s valid address in the precinct; or~~
  - (4) a tribal identification card as provided by Minnesota Statutes, section 201.061, subdivision 3, paragraph (d), clause (1) issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the name, address, signature, and picture of the individual;
- B. by having a valid registration in the same precinct ~~under a different address;~~
- C. by presenting a notice of late registration mailed by the county auditor or municipal clerk; ~~or~~
- D. by having a person who is registered to vote in the precinct and knows the applicant is a resident of the precinct sign the oath in part 8200.9939; ~~or~~
- E. by having an employee employed by and working in a residential facility located in the precinct, who knows that the applicant is a resident of that residential facility, vouch for that facility resident, and sign the oath in part 8200.9939, in the presence of the election judge.

“Residential facility” means transitional housing as defined in Minnesota Statutes, section 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of health under Minnesota Statutes, section 144.50, subdivision 6; a nursing home as defined in



# Proposed Rules

*Minnesota Statutes*, section 144A.01, subdivision 5; a residence registered with the commissioner of health as a housing with services establishment as defined in *Minnesota Statutes*, section 144D.01, subdivision 4; a veterans home operated by the board of directors of the Minnesota Veterans Homes under *Minnesota Statutes*, chapter 198; a residence licensed by the commissioner of human services to provide a residential program as defined in *Minnesota Statutes*, section 245A.02, subdivision 14; a residential facility for persons with a developmental disability licensed by the commissioner of human services under *Minnesota Statutes*, section 252.28; group residential housing as defined in *Minnesota Statutes*, section 256I.03, subdivision 3; a shelter for battered women as defined in *Minnesota Statutes*, section 611A.37, subdivision 4; or a supervised publicly or privately operated shelter or dwelling designed to provide temporary living accommodations for the homeless.

To be eligible to sign the oath, the employee must:

(1) have his or her name appear on a list of employees provided by the general manager or equivalent officer of the residential facility to the county auditor at least 20 days before the election; or

(2) provide a statement on the facility's letterhead that the individual is an employee of the facility that is signed and dated by a manager or equivalent officer of the facility. The statement must be in substantially the following form: To the Election Judges

I am a [insert title of manager or equivalent officer here] at [insert residential facility name here].

Let it be known and recorded that [insert employee name here] is an employee of [insert residential facility name here], a residential facility as defined in *Minnesota Statutes*, section 201.061, subdivision 3, paragraph (c), and by my signature I certify that this is true as of the date signed.

\_\_\_\_\_  
[signature]

\_\_\_\_\_  
[date]

## Printed Name of Residential Facility Manager or Equivalent Officer

If the letterhead on which the document submitted under subitem (1) or (2) does not include the address of the residential facility in the precinct, the document must also include this address.

The ~~oath oaths in item items D and E~~ must be attached to the voter registration application ~~until the address of the applicant is verified by the county auditor. The county auditor shall file the oaths and maintain them for one year and retained for at least 22 months.~~

Subp. 2. **Additional proof of residence allowed.** An eligible voter may prove residence under this subpart by presenting one of the photo identification cards listed in item A and one of the additional proofs of residence listed in item B.

A. The following documents are acceptable photo identification cards under this subpart if they contain the voter's name and photograph:

- (1) a Minnesota driver's license or identification card;
- (2) a United States passport;
- (3) a United States military identification card;
- (4) a student identification card issued by a Minnesota postsecondary educational institution; or
- (5) a tribal identification card as provided by *Minnesota Statutes*, section 201.061, subdivision 3, paragraph (d), clause (2) issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the individual's signature.

~~(5) a tribal identification card as provided by Minnesota Statutes, section 201.061, subdivision 3, paragraph (d), clause (2) issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the individual's signature.~~

B. An original bill for gas, electric, telephone, cellular telephone, cable television, solid waste, water, or sewer services is acceptable as an additional proof of residence under this subpart if:

- (1) ~~the bill shows the voter's name and current address in the precinct; and telephone, television, or Internet provider services, regardless of how those telephone, television, or Internet provider services are delivered; or~~
- (2) gas, electric, solid waste, water, or sewer services, is acceptable as an additional proof of residence under this subpart if:
  - (a) the bill shows the voter's name and current address in the precinct; and
  - (b) the due date on the bill is within 30 days before or after election day.

~~A rent statement from a landlord that itemizes utility expenses and meets the requirements of this paragraph is a utility bill for purposes of providing proof of residence.~~

~~(2) (3) the due date on the bill is within 30 days before or after election day~~ A current student fee statement that contains the student's valid address in the precinct is also acceptable as proof of residence.

If the photo identification presented by the voter establishes the voter's identity and the additional proof of residence presented by the voter establishes the voter's current address in the precinct, the voter shall have proven residence under this subpart.

C. The secretary of state shall provide samples of utility bills acceptable as additional proof of residence under item B to local election officials for use in election judge training and in the polling place on election day.

Subp. 3. **Additional proof of residence allowed for students.** An eligible voter may prove residence by presenting a current valid photo identification issued by a postsecondary educational institution in Minnesota if the voter's name, student identification number (if

available), and address within the precinct appear on a current list of persons residing in the postsecondary educational institution's housing certified to the county auditor by the postsecondary educational institution.

This additional proof of residence for students must not be allowed unless the postsecondary educational institution submits to the county auditor no later than 60 days prior to the election a written agreement that the postsecondary educational institution will certify for use at the election accurate updated lists of persons residing in housing owned, operated, leased, or otherwise controlled by the postsecondary educational institution. A written agreement is effective for the election and all subsequent elections held in that calendar year, including the November general election which is instead governed by subpart 4.

The additional proof of residence for students must be allowed on an equal basis for voters resident in housing of any postsecondary education institution within the county, if lists certified by the postsecondary educational institution meet the requirements of this part.

An updated list must be certified to the county auditor no earlier than 20 days prior to each election. The certification must be dated and signed by the chief officer or designee of the postsecondary educational institution and must state that the list is current and accurate and includes only the names of persons residing as of the date of the certification in housing controlled by the postsecondary educational institution.

The auditor shall instruct the election judges of the precinct in procedures for use of the list in conjunction with photo identification. The auditor shall supply a list to the election judges with the election supplies for the precinct.

The auditor shall notify all postsecondary educational institutions in the county of the provisions of this subpart.

**Subp. 4. Additional proof of residence allowed for students at November general elections.** An eligible voter may prove residence at the general election held in November of each year by presenting a current valid photo identification issued by a postsecondary educational institution in Minnesota if the voter's name, student identification number (if available), and address within the precinct appear on a list of students certified to the secretary of state by the postsecondary educational institution.

This additional proof of residence for students must not be allowed unless the postsecondary educational institution submits to the secretary of state no later than 60 days prior to the November general election an agreement that the postsecondary educational institution will certify for use at the November general election an accurate updated list of persons residing in housing owned, operated, leased, or otherwise controlled by the postsecondary educational institution.

The agreement may also include a provision that the postsecondary educational institution will certify for use at the November general election an accurate updated list of currently enrolled students who are recorded with the postsecondary educational institution as residing in Minnesota.

The additional proof of residence must be allowed on an equal basis if lists certified by the postsecondary educational institution meet the requirements of this part.

An updated list must be certified to the secretary of state no earlier than 30 and no later than 25 days prior to the November general election, in an electronic format specified by the secretary of state. The certification must be dated and signed by the chief officer or designee of the postsecondary educational institution and must state that the list is current and accurate and includes only the names of persons residing in housing controlled by the postsecondary educational institution or, if the postsecondary educational institution agreed, currently enrolled students residing in Minnesota as of the date of certification.

The secretary of state must combine the data received from each postsecondary educational institution under this subpart and must process the data through the automated precinct-finder to determine the precinct in which the address provided for each student is located. If the data submitted by the postsecondary educational institution is insufficient for the secretary of state to determine the proper precinct, the associated student name must not appear in any list forwarded to a county auditor under this subpart. At least 14 days prior to the November general election, the secretary of state must forward to the appropriate county auditor lists of students containing the students' names and addresses for which precinct determinations have been made along with their postsecondary educational institutions. The list must be sorted by precinct and student last name and must be forwarded in an electronic format specified by the secretary of state or other mutually agreed upon medium.

The auditor shall instruct the election judges of the precinct in procedures for use of the list in conjunction with photo identification. The auditor shall forward to the election judges the portion of the list provided by the secretary of state corresponding to the precinct with the election supplies for that precinct.

### **8200.5400 NOTATION OF IDENTIFICATION ON REGISTRATION APPLICATION.**

When a voter uses a Minnesota driver's license, learner's permit, Minnesota identification card, United States passport, United States military identification card, tribal identification card, or Minnesota postsecondary educational institution student identification card to prove residence or identity when registering on election day, the election judge who is registering voters shall record the number, if any, on the voter registration application in the "election ~~day~~ judge official use only" area of the application. When a voter uses one of the documents listed in part 8200.5100, subpart 2, item B, to prove residence for election day registration, the election judge who is registering voters shall record the type of document on the ~~card~~ voter registration application in the "~~office~~ election judge official use only" area of the application.

# Proposed Rules

## 8200.6200 PUBLIC INFORMATION LIST AVAILABLE FOR INSPECTION.

~~A copy of~~ The public information list must be available for public inspection for authorized purposes at all times in the county auditor's office. The secretary of state may make available for purchase public information lists in electronic or other media.

## 8200.9115 FORM OF POLLING PLACE ROSTERS.

Subpart 1. **General form of roster.** The polling place rosters must contain the following items from the statewide registration system: voter's name, voter's address, voter's date of birth, voter's school district number, and a line on which the voter's signature can be written. When a voter's registration has been challenged pursuant to *Minnesota Statutes*, section 201.121, subdivision 2, an indicator noting the voter's challenged status must be printed on the line provided for the voter's signature. A similar indicator must be printed on the line provided for the voter's signature to note a voter's guardianship or felony status, if any.

The following certification must be printed at the top of each page of the polling place roster: "I certify that I am at least 18 years of age and a citizen of the United States; that I reside at the address shown and have resided in Minnesota for 20 days immediately preceding this election; that I am not under guardianship of the person in which the court order revokes my right to vote, have not been found by a court to be legally incompetent to vote, and that I have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence; and that I am registered and will be voting only in this precinct. I understand that giving false information is a felony punishable by not more than five years imprisonment and a fine of not more than \$10,000, or both."

One or more pages in the polling place roster must be provided for use by voters who register to vote in the polling place on election day. An election day registrant shall fill in the registrant's name, address, and date of birth and shall sign the roster on the line provided. Each page in the polling place roster must also contain the name of the precinct and a page number. In addition, each line provided for a voter's signature must be consecutively numbered on each page.

The roster may also include additional material as permitted under Minnesota Statutes, section 201.221, subdivision 3.

Subp. 2. [Repealed, 25 SR 616]

Subp. 3. **Production of rosters.** The Secretary of State shall identify and develop methods of producing polling place rosters. The Secretary of State shall provide polling place rosters for each election in the state. The roster may be provided to the county auditor ~~on paper or computer tape or other electronic~~ in any mutually agreed-upon medium.

## 8200.9315 PROCEDURE FOR ENTERING DATA INTO STATEWIDE VOTER REGISTRATION SYSTEM.

When entering information from a voter registration application into the statewide registration system, the secretary of state or county auditor shall:

- A. conduct a statewide search of the registration database to determine if the applicant has previously registered in Minnesota;
- B. assign the applicant to the proper voting precinct for the address provided on the application;
- C. determine all election districts in which the applicant will be eligible to vote;

~~D. notify the appropriate county auditor if the applicant has moved from another county in the state in which the registrant was previously registered;~~

~~E. D.~~ assign the registration record a unique identification number, and date the record as to when the registration was entered into the registration database;

~~F. E.~~ maintain a record of voting history of the registrant for at least the previous six calendar years and a record of previous registrations and changes to voter status in the state for at least two years; and

~~G. E.~~ provide information on prior registrations in other states. At periodic intervals, the Secretary of State shall notify the chief election officials of other states of persons who have registered to vote in Minnesota and who indicated a prior registration in their state.

The secretary of state shall establish a precinct finder that must be maintained by each county auditor. The precinct finder must identify the voting precinct that will be assigned to the applicant. For the purposes of redistricting, the secretary of state shall include geographical data from the United States Census Bureau in the precinct finder.

## 8200.9939 FORM OF OATH, SPECIFIED BY PART 8200.5100.

I, \_\_\_\_\_ swear or affirm that I am a registered voter in \_\_\_\_\_ (County)  
\_\_\_\_\_, (City or Township) \_\_\_\_\_ (Ward) \_\_\_\_\_ (Precinct)  
and that I personally know that \_\_\_\_\_ (Name of person registering) is a resident of this precinct.

\_\_\_\_\_  
Signature of Registered Voter

Subscribed and sworn to before me

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Election Judge

## Proposed Rules

~~The above oath shall be attached to the voter registration card until the address of the applicant is verified by the county auditor.~~

I swear or affirm that (Check one):

( ) I am pre-registered to vote in this precinct

Voter ID # \_\_\_\_\_

( ) I registered in this precinct today and did not have another person vouch for me

( ) I am an employee of a residential facility

\_\_\_\_\_  
(Name of residential facility)

Residential Address of Voucher or Address of Residential Facility

\_\_\_\_\_  
Street Address      City

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
E-mail address (optional)

\_\_\_\_\_  
I personally know that

\_\_\_\_\_  
(Name of person registering)

is a resident of this precinct.

\_\_\_\_\_  
Signature of Voucher

Subscribed and sworn to before me

\_\_\_\_\_  
/ /

Date      Signature of Election Judge

The above oath shall be attached to the voter registration card and retained for at least 22 months.

### **8200.9940 PRECINCT LIST OF PERSONS VOUCHING FOR VOTER RESIDENCE ON ELECTION DAY AND NUMBER OF PERSONS VOUCHER FOR.**

Precinct List of Persons Vouching

City/Town \_\_\_\_\_ Ward \_\_\_\_\_ Precinct \_\_\_\_\_

For election judges' use in recording the number of individuals for whom a voter signs proof-of-residence oaths (vouches for) on Election Day. Cross out a number for every individual for whom a voter registered in that precinct vouches. Unless vouching for residential facility residents pursuant to part 8200.5100, subpart 1, item E, a voter who is registered to vote in the precinct may sign no more than 15 proof-of-residence oaths (*Minnesota Statutes*, section 201.061).

| Voucher's Name    | Voucher's VoterID No. | Number Vouched for on Election Day   |
|-------------------|-----------------------|--|
| Example: John Doe | <u>1234567</u>        | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>1</u>          |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>2</u>          |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>3</u>          |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>4</u>          |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>5</u>          |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>6</u>          |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>7</u>          |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>8</u>          |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>9</u>          |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>10</u>         |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>11</u>         |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>12</u>         |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>13</u>         |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>14</u>         |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>15</u>         |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>16</u>         |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>17</u>         |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>18</u>         |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>19</u>         |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |
| <u>20</u>         |                       | <u>1</u> <u>2</u> <u>3</u> <u>4</u> <u>5</u> <u>6</u> <u>7</u> <u>8</u> <u>9</u> <u>10</u> <u>11</u> <u>12</u> <u>13</u> <u>14</u> <u>15</u> |

# Proposed Rules

|    |                                     |
|----|-------------------------------------|
| 21 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 |
| 22 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 |
| 23 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 |
| 24 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 |
| 25 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 |
| 26 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 |
| 27 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 |
| 28 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 |
| 29 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 |
| 30 | 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 |

Certified by the Head Election Judge of the Precinct:

Printed Name

Signature

Date

## **8210.9960 CHALLENGES TO VOTER REGISTRATION, FORM TO BE USED UNDER MINNESOTA STATUTES, SECTION 204C.12, SUBDIVISION 2.**

I, \_\_\_\_\_, do hereby state under oath,

Name of person making challenge

I am:

- ( ) an election judge.  
( ) a challenger authorized by Minnesota Statutes, section 204C.07.  
( ) a Minnesota voter.

I reside at \_\_\_\_\_, \_\_\_\_\_.  
Street Address City or Township

Telephone number: \_\_\_\_\_

E-mail address (optional): \_\_\_\_\_

I challenge the registration of \_\_\_\_\_  
Name of challenged voter

whose registration lists his or her residence as

\_\_\_\_\_  
Street Address City or Township

This challenge is based on my personal knowledge. The grounds for my challenge are: \_\_\_\_\_

\_\_\_\_\_  
(attach additional sheets of signed statement if necessary).

I swear or affirm that the information stated here is truthful.

\_\_\_\_\_  
Date Signature of Challenger

Signed and sworn to or affirmed before me

\_\_\_\_\_  
Date Signature of Election Judge

For Election Judge Use Only:

Challenge was administered by Election Judge: \_\_\_\_\_

Time: \_\_\_\_\_



- ( ) Voter refused to take challenge oath.
- ( ) Challenge was dismissed: Voter passed challenge and voted.
- ( ) Challenge was sustained: Voter failed challenge and did not vote.

Additional Comments:

## **8210.0050 ABSENTEE OR MAIL BALLOT MATERIALS.**

All materials mailed in connection with absentee or mail voting shall bear the official United States Postal Service Election Mail insignia; ~~except that county auditors may consume stock on hand on August 9, 2004.~~

All envelopes used in connection with absentee or mail voting shall also bear a legend indicating the ballot category enclosed, in no smaller than 8-point type. The categories are:

- A. registered;
- B. nonregistered;
- C. registered (agent delivery);
- D. nonregistered (agent delivery);
- E. military/overseas;
- F. presidential only; and
- G. mail.

~~County auditors may consume the existing stock of absentee ballot applications on hand on August 9, 2004.~~

## **8210.0100 PRESIDENTIAL ABSENTEE BALLOTS.**

Subpart 1. **Procedure for voting.** A person who is qualified under United States Code, title 42, section 1973aa-1, to vote for the offices of president and vice-president or for electors for president and vice-president may vote by absentee ballot or in person at the auditor's office in the county where the person formerly resided. The affidavit of eligibility on the back of the absentee ballot return envelope must be printed in the form shown in subpart 2.

Subp. 2. **Form of affidavit of eligibility.**

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT) \_\_\_\_\_

VOTER'S FORMER ADDRESS IN MINNESOTA (PLEASE PRINT) \_\_\_\_\_

CITY OR TOWN (PLEASE PRINT) \_\_\_\_\_

COUNTY (PLEASE PRINT) \_\_\_\_\_

I certify that I

- will be at least 18 years old on election day;
- am a citizen of the United States;
- am not under guardianship of the person in which the court order revokes my right to vote;
- have not been found by a court to be legally incompetent to vote;
- have the right to vote because, if convicted of a felony, my felony sentence has expired (been completed) or I have been discharged from my sentence;
- previously lived in Minnesota at the address printed above;
- moved from Minnesota to another state within 30 days of the election; and
- am not eligible to vote in the state in which I now live.

VOTER'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

Current telephone number (optional) \_\_\_\_\_

Current e-mail address (optional) \_\_\_\_\_

## **8210.0200 ABSENTEE BALLOT APPLICATION.**

Subpart 1. [See repealer.]

# Proposed Rules

Subp. 1a. [See repealer.]

Subp. 1b. [Repealed, 29 SR 155]

Subp. 1c. [See repealer.]

Subp. 1d. [See repealer.]

Subp. 1e. [Repealed, 25 SR 616]

Subp. 1f. [Repealed, 25 SR 616]

Subp. 2. [See repealer.]

Subp. 3. **Postcard application.** The absentee ballot application may be printed as a postcard application or in any other manner deemed appropriate by the secretary of state. If the application is printed as a postcard application, it must conform to United States Postal Service requirements.

Subp. 4. **Permanent application.** An eligible voter who meets the requirements in Minnesota Statutes, section 203B.04, subdivision 5 or 6, may apply to the county auditor or municipal clerk to automatically receive an absentee ballot application for each election in which the voter is eligible to vote. The county auditor shall make available the form provided in subpart 4a by the secretary of state for this purpose. The voter shall complete the form and return it to the county auditor or municipal clerk. A municipal clerk who receives a completed application shall forward it to the county auditor immediately. The voter's permanent application status must be indicated and permanently maintained on the voter's registration record on the statewide voter registration system. The county auditor shall maintain a list of voters who have applied to automatically receive an absentee ballot application. At least 45 days before each election, the county auditor or municipal clerk shall send an absentee ballot application to each person on the list who is eligible to vote in the election.

Subp. 4a. [See repealer.]

Subp. 5. [Repealed, 25 SR 616]

Subp. 6. [See repealer.]

## 8210.0500 INSTRUCTIONS TO ABSENT VOTER.

Subpart 1. **Required instructions.** Instructions to the absent voter shall be enclosed with the absentee ballot materials mailed or delivered to the absent voter. The instructions shall be in the form in subpart 2, 3, or 4. The instructions may include a telephone number or electronic mail address which voters can call or contact for help in absentee voting. In election jurisdictions using electronic voting systems, the instructions must explain how to correctly mark and fold the electronic voting system ballots. The instructions must inform the voter of the effect of casting multiple votes for an office and, in the case of a partisan primary, the effect of voting for candidates of more than one party. The instructions must include information on how to correct a ballot before it is cast and counted, including instructions on how to request a replacement ballot if the voter is unable to change the ballot or correct an error. The instructions must include a graphic depiction of the absentee ballot materials and how they are to be assembled by the voter. The secretary of state must provide each county auditor with a sample graphic depiction.

Subp. 2. **Instructions for unregistered registered voters.**

~~INSTRUCTIONS TO ABSENTEE VOTERS, VOTERS WHO ARE CURRENTLY NOT  
REGISTERED IN MINNESOTA, VOTERS WHOSE REGISTRATIONS HAVE BEEN DULY CHALLENGED,  
AND VOTERS WHO REGISTERED BY MAIL AND HAVE NOT COMPLETED REGISTRATION REQUIREMENTS  
“IMPORTANT NOTICE TO CHALLENGED VOTERS:~~

~~Pursuant to Minnesota Statutes, chapter 201, the county auditor is required to “challenge” your voter registration, either because of a notification from the post office that you no longer live at the address listed on your voter registration or because of another question about your eligibility to vote. To remove the challenge so that your ballot can be counted, you must complete the enclosed Minnesota voter registration application. Read the statement at the bottom of the registration application and sign the application only if all parts apply to you. To complete the return envelope, follow the instructions provided.”~~

~~Follow these instructions carefully:~~

~~Before you vote by absentee ballot you must have a witness:~~

~~Step 1. Locate one of the following individuals to serve as your witness:~~

- ~~a. anyone who is registered to vote in Minnesota including your spouse or another relative who meets this qualification;~~
- ~~b. a notary public; or~~
- ~~c. any person having authority to administer oaths.~~

~~Step 2. Fill out the voter registration application. Remember to sign your name at the bottom of the application.~~

~~Step 3. Show your witness your proof of residence in the precinct. One of the following documents may be used as proof of residence:~~

- ~~a. a valid Minnesota driver's license, permit, or identification card, or a receipt for any of these forms, that contains your current address, or a tribal identification card as provided in Minnesota Statutes, section 201.061, subdivision 3, paragraph (d), clause (1);~~
- ~~b. one document from the list in (i) and one document from the list in (ii):~~
  - ~~(i) an original bill in your name for gas, electric, telephone, cellular telephone, cable television, solid waste, water, or sewer~~

---

---

# Proposed Rules

services showing your current address and due up to 30 days before or after election day; and

(ii) your Minnesota driver's license or identification card, United States passport, United States military identification card with your photograph, tribal identification card as provided in *Minnesota Statutes*, section 201.061, subdivision 3, paragraph (d), clause (2), or Minnesota postsecondary student identification card with your photograph;

c. the signature of a registered voter who lives in your precinct; if your witness is registered to vote in your precinct, your witness may also vouch for you;

d. a student identification card, registration card, or fee statement that contains the student's current address in the precinct; or

e. a current valid registration in the same precinct.

Step 4. Show your witness the unmarked ballots.

Step 5. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you. Mark your votes in the manner shown or explained at the top of the ballots. Follow the instructions under each office that tell you how many votes can be cast and do not cast more votes than instructed. Casting more votes than instructed for an office will prevent your votes from being counted for that office.

**FOR PRIMARY VOTERS ONLY:** Carefully follow the instructions on the ballot. If you are voting in a partisan primary, you may only vote for the candidates of one party. Voting for candidates in more than one party will prevent your partisan ballot from being counted. If you make an error when marking your ballot, you may request a new ballot from the election official from whom you received your ballot. If you cannot request a new ballot for any reason, completely erase any errors and remark your ballot.

Step 6. Fold each ballot so that it fits within the tan ballot secrecy envelope. Do not put any identifying marks on the ballot.

Step 7. Place all voted ballots in the tan ballot secrecy envelope and seal the envelope. Do not write on the tan ballot secrecy envelope.

Step 8. Place the tan ballot secrecy envelope and your completed voter registration application into the white ballot return envelope and seal the envelope.

Step 9. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness are required as well.

Step 10. a. If you have been provided with an additional envelope to conceal the signature, identification, and other information on the white ballot return envelope, place the white ballot return envelope into the additional envelope;

b. If, instead, you have been provided a white ballot envelope with an additional flap that when sealed, conceals the signature, identification, and other information, make sure that the flap is properly in place to conceal that information.

Step 11. Return your ballot to the address on the white ballot return envelope in one of the following ways:

a. by mail so it will be delivered by election day;

b. in person no later than 5:00 p.m. on the day before election day; or

c. by having someone else return your ballot by 3:00 p.m. on election day (this person cannot be a candidate and cannot return ballots for more than three voters).

**Note:** Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes. If you have any questions, please call .....

## INSTRUCTIONS FOR ABSENTEE VOTERS

Step 1. You must have a witness to vote by absentee ballot. Your witness may be anyone who is registered to vote in Minnesota including your spouse or another relative, or they may be a notary public or person with the authority to administer oaths.

Step 2. Show your witness the unmarked ballot(s).

Step 3. Mark your votes according to the instructions on the ballot(s). Mark your ballot(s) in private. If you have a disability or are otherwise unable to mark the ballot(s), you may ask your witness to assist you. Make sure you do not vote for more candidates than allowed for any office, since this will prevent your votes for that office from being counted. If you make an error when marking your ballot, you may request a new ballot from the election official from whom you received your ballot. If you cannot request a new ballot, completely erase any errors and remark your ballot. Do not put any identifying marks on the ballot.

**WHEN PARTISAN PRIMARY RACES ARE ON THE BALLOT:** If you are voting in a partisan primary, you may only vote for the candidates of one party on the partisan portion of the ballot. Voting for candidates not within the same party will prevent the entire partisan portion of your primary ballot from being counted.

Step 4. Fold and place all voted ballots in the ballot secrecy envelope and seal the envelope. Do not write on the ballot secrecy envelope.

Step 5. Place the ballot secrecy envelope into the ballot return envelope and seal the envelope.

Step 6. Print your name and address on the back of the ballot return envelope unless a label with your name and address has already been affixed. Sign your name. The name, address, and signature of your witness are required as well.

Step 7. Fold and seal the small flap on the end of the return envelope, then fold and seal the large flap that covers the form on the back of the envelope.

Step 8. Return your ballot by mail or an express service to the address on the return envelope, allowing enough time to be delivered by

# Proposed Rules

election day. You may also deliver it in person by 5:00 p.m. on the day before election day or have another person return your ballot by 3:00 p.m. on election day (this person cannot be a candidate and cannot return ballots for more than three voters).

In those precincts where an additional envelope is used instead of an envelope with a flap, steps 7 and 8 should read:

Step 7. Insert the ballot return envelope into the mailing envelope and seal it.

Step 8. Return your ballot by mail or an express service to the address on the mailing envelope, allowing enough time to be delivered by election day. You may also deliver it in person by 5:00 p.m. on the day before election day or have another person return your ballot by 3:00 p.m. on election day (this person cannot be a candidate and cannot return ballots for more than three voters).

## Subp. 3. Instructions for **registered** **unregistered** voters.

### INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully.

Before you vote by absentee ballot you must have a witness.

Step 1. Locate one of the following individuals to serve as your witness:

- a. anyone who is registered to vote in Minnesota including your spouse or another relative who meets this qualification;
- b. a notary public; or
- c. any person having authority to administer oaths.

Step 2. Show your witness the unmarked ballots.

Step 3. Mark the ballots in secrecy. If you are disabled or otherwise unable to mark the ballots, you may ask your witness to assist you. Mark your votes in the manner shown or explained at the top of the ballots. Follow the instructions under each office that tell you how many votes can be cast and do not cast more votes than instructed. Casting more votes than instructed for an office will prevent your votes from being counted for that office.

**FOR PRIMARY VOTERS ONLY:** Carefully follow the instructions on the ballot. If you are voting in a partisan primary, you may only vote for candidates of one party. Voting for candidates in more than one party will prevent your partisan ballot from being counted.

If you make an error when marking your ballot, you may request a new ballot from the election official from whom you received your ballot. If you cannot request a new ballot for any reason, completely erase any errors and remark your ballot.

Step 4. Fold each ballot so that it fits within the tan ballot secrecy envelope. Do not put any identifying marks on the ballot.

Step 5. Place all voted ballots in the tan ballot secrecy envelope and seal the envelope. Do not write on the tan ballot secrecy envelope.

Step 6. Place the tan ballot secrecy envelope into the white ballot return envelope and seal the envelope.

Step 7. Print your name and address and sign your name on the back of the white ballot return envelope. The name, address, and signature of your witness are required as well.

Step 8. Return your ballot to the address on the white ballot return envelope in one of the following ways:

- a. by mail so it will be delivered by election day;
- b. in person no later than 5:00 p.m. on the day before election day; or
- c. by having someone else return your ballot by 3:00 p.m. on election day (this person cannot be a candidate and cannot return ballots for more than three voters).

**Note:** Follow these instructions carefully. An improperly completed ballot, or statement of voter or witness, will invalidate your votes. If you have any questions, please call .....

### INSTRUCTIONS FOR ABSENTEE VOTERS

#### (UNREGISTERED, CHALLENGED, OR INCOMPLETE REGISTRATION)

Step 1. You must have a witness to vote by absentee ballot. Your witness may be anyone who is registered to vote in Minnesota including your spouse or another relative, or they may be a notary public or person with the authority to administer oaths.

Step 2. Completely fill out the voter registration application.

Step 3. Show your witness your proof of residence in the precinct. The witness should mark the proof shown on the ballot return envelope. Any of the following may be used as proof of residence:

- a. a valid Minnesota driver's license, permit, or identification card; a receipt for any of these forms that contains your current address; or a tribal identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs that contains your name, address, signature, and picture;
- b. the signature of a registered voter (voucher) who lives in your precinct; if your witness is registered to vote in your precinct, your witness may also vouch for you;
- c. if you live in certain residential facilities, the signature of an employee of the facility;
- d. a notice of late registration sent to you by the county auditor or city clerk;
- e. a current valid registration in the same precinct;
- f. one document from the list in (i) and one photo ID from the list in (ii):
  - (i) A. an original bill for telephone, television, or Internet provider services, regardless of how those telephone, television, or

---

---

# Proposed Rules

Internet provider services are delivered, or an original bill for gas, electric, solid waste, water, or sewer services, that:

- (1) shows the voter's name and current address in the precinct; and
- (2) has a due date within 30 days before or after election day.

A rent statement from a landlord that itemizes utility expenses and meets the requirements of this paragraph is an original utility bill for purposes of providing proof of residence; or

B. a current student fee statement that contains the student's valid address in the precinct; and

(ii) a Minnesota driver's license or identification card, a United States passport, a United States military identification card, a student identification card issued by a Minnesota postsecondary educational institution, or a tribal identification card issued by the tribal government of a tribe recognized by the Bureau of Indian Affairs, United States Department of the Interior, that contains the individual's signature.

Step 4. Show your witness the unmarked ballot(s).

Step 5. Mark your votes according to the instructions on the ballot(s). Mark your ballot(s) in private. If you have a disability or are otherwise unable to mark the ballot(s), you may ask your witness to assist you. Make sure you do not vote for more candidates than allowed for any office, since this will prevent your votes for that office from being counted. If you make an error when marking your ballot, you may request a new ballot from the election official from whom you received your ballot. If you cannot request a new ballot, completely erase any errors and remark your ballot. Do not put any identifying marks on the ballot.

WHEN PARTISAN PRIMARY RACES ARE ON THE BALLOT: If you are voting in a partisan primary, you may only vote for the candidates of one party on the partisan portion of the ballot. Voting for candidates not within the same party will prevent the entire partisan portion of your primary ballot from being counted.

Step 6. Fold and place all voted ballots in the ballot secrecy envelope and seal the envelope. Do not write on the ballot secrecy envelope.

Step 7. Place the ballot secrecy envelope and your completed voter registration application into the ballot return envelope and seal the envelope.

Step 8. Print your name and address on the back of the ballot return envelope unless a label with your name and address has already been affixed. Sign your name. The name, address, and signature of your witness are also required.

Step 9. Fold and seal the small flap on the end of the return envelope, then fold and seal the large flap that covers the form on the back of the envelope.

Step 10. Return your ballot by mail or an express service to the address on the return envelope, allowing enough time to be delivered by election day. You may also deliver it in person by 5:00 p.m. on the day before election day or have another person return your ballot by 3:00 p.m. on election day (this person cannot be a candidate and cannot return ballots for more than three voters).

In those precincts where an additional envelope is used instead of an envelope with a flap, steps 9 and 10 should read:

Step 9. Insert the ballot return envelope into the mailing envelope and seal it.

Step 10. Return your ballot by mail or an express service to the address on the mailing envelope, allowing enough time to be delivered by election day. You may also deliver it in person by 5:00 p.m. on the day before election day or have another person return your ballot by 3:00 p.m. on election day (this person cannot be a candidate and cannot return ballots for more than three voters).

**Subp. 4. Instructions for military and overseas voters.** The following instructions must be sent to military and overseas absentee voters voting under Minnesota Statutes, sections 203B.16 to 203B.27:

## INSTRUCTIONS TO ABSENTEE VOTERS

Follow these instructions carefully:

**Step 1.** Mark the ballots in secrecy. Mark your votes in the manner shown or explained at the top of the ballots. Follow the instructions under each office that tell you how many votes can be cast and do not cast more votes than instructed. Casting more votes than instructed for an office will prevent your votes from being counted for that office.

**FOR PRIMARY VOTERS ONLY:** Carefully follow the instructions on the ballot. If you are voting in a partisan primary, you may only vote for candidates of one party. Voting for candidates in more than one party will prevent your partisan ballot from being counted. If you make an error when marking your ballot, you may erase any errors and remark your ballot or you may request a new ballot from the county auditor from whom you received your ballot. If you are disabled or otherwise unable to mark the ballots, you may have someone assist you. Do not permit any other individual to observe the marking of the ballot.

**Step 2.** Fold each ballot so that it fits within the tan ballot secrecy envelope. Do not put any identifying marks on the ballot.

**Step 3.** Place all completed ballots in the tan ballot secrecy envelope and seal the envelope. Do not write on the tan ballot secrecy envelope. Do not permit other individuals to see your ballot before sealing the ballot envelope.

**Step 4.** Place the tan ballot secrecy envelope into the white ballot return envelope and seal the envelope.

**Step 5.** Write your military identification number or passport number on the back of the white ballot return envelope. If you cannot provide your military identification number or passport number on the return ballot envelope, you must have the signature and certification of a commissioned officer of the armed forces or any official authorized to administer oaths under federal law or the law of the state



# Proposed Rules

of Minnesota or other place where the oath is administered:

Step 6. Print your name and your present or last address in Minnesota. Date and sign your name on the back of the white ballot return envelope:

Step 7. Return your ballot to the address on the white ballot return envelope by mail or expedited delivery service so it will be delivered by no later than election day:

## INSTRUCTIONS FOR MILITARY AND OVERSEAS ABSENTEE VOTERS

Step 1. Mark your votes according to the instructions at the top of the ballot(s). Mark your ballot(s) in private. If you have a disability or are otherwise unable to mark the ballot(s), you may have someone assist you. Make sure you do not vote for more candidates than allowed for any office on the ballot, since this will prevent your votes for that office from being counted. If you make an error when marking your ballot, you may request a new ballot from the election official from whom you received your ballot. If you cannot request a new ballot, completely erase any errors and remark your ballot. Do not put any identifying marks on the ballot.

WHEN PARTISAN PRIMARY RACES ARE ON THE BALLOT: If you are voting in a partisan primary, you may only vote for the candidates of one party on the partisan portion of the ballot. Voting for candidates not within the same party will prevent the entire partisan portion of your primary ballot from being counted.

Step 2. Fold each ballot so that it fits within the ballot secrecy envelope and seal it. Do not write on the ballot secrecy envelope.

Step 3. Place the ballot secrecy envelope in the return mailing envelope.

Step 4. Write your military identification number (SSN) or passport number on the back of the ballot return envelope. If you do not provide the same military identification number (SSN) or passport number on the ballot return envelope as was used on the absentee ballot application, you must have the signature and certification of an official authorized to administer oaths by federal law or the law where the oath is administered. Commissioned or noncommissioned officers not below the rank of sergeant or equivalent may also certify the oath for you.

Step 5. Print your name and your present or last address in Minnesota unless a label with your name and address has already been affixed. Date and sign your name on the back of the ballot return envelope.

Step 6. Fold and seal the small flap on the end of the return envelope, then fold and seal the large flap that covers the form on the back of the envelope.

Step 7. Return your ballot by mail or an express service to the address on the ballot return envelope so that it will be delivered no later than election day.

In those precincts where an additional envelope is used instead of an envelope with a flap, steps 6 and 7 should read:

Step 6. Insert the ballot return envelope into the mailing envelope and seal it.

Step 7. Return your ballot by mail or an express service to the address on the ballot mailing envelope so that it will be delivered no later than election day.

## 8210.0600 STATEMENT OF ABSENTEE VOTER.

Subpart 1. **Form.** ~~Except as provided in subpart 4,~~ The statement of absentee voter for persons voting under Minnesota Statutes, sections 203B.04 to 203B.15, must be printed in the ~~form~~ forms shown in ~~subpart~~ subparts 1a and 1b. The version found in subpart 1a must be provided only to absentee voters who are registered to vote at the time of application. All other absentee voters must be provided the version found in subpart 1b. The statements must be printed to the specifications of subpart 3.

### Subp. 1a. **Statement of registered absentee voter form.**

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT)

VOTER'S MINNESOTA ADDRESS (PLEASE PRINT)

MN

I certify that on election day I will meet all the legal requirements to vote by absentee ballot.

VOTER'S SIGNATURE

DATE

↓ TO BE COMPLETED BY WITNESS ↓

I certify that the voter

- showed me the blank ballots before voting;
- marked the ballots in private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter; and
- enclosed and sealed the ballots in the secrecy envelope.

NAME OF WITNESS (PLEASE PRINT)

ADDRESS OF NON-NOTARY WITNESS IN MINNESOTA (PLEASE PRINT)

---

---

# Proposed Rules

\_\_\_\_\_  
SIGNATURE OF WITNESS \_\_\_\_\_ DATE \_\_\_\_\_ MN

\_\_\_\_\_  
TITLE OF WITNESS (IF AN OFFICIAL) \_\_\_\_\_

Subp. 4a 1b. **Statement of unregistered absentee voter form.**

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT) \_\_\_\_\_

VOTER'S MINNESOTA ADDRESS (PLEASE PRINT) \_\_\_\_\_ MN

I certify that on election day I will meet all the legal requirements to vote by absentee ballot.

VOTER'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

↓ TO BE COMPLETED BY WITNESS ↓

I certify that the voter

- showed me the blank ballots before voting;
- marked the ballots in ~~secrecy~~ private or, if physically unable to mark the ballots, the ballots were marked as directed by the voter;
- enclosed and sealed the ballots in the secrecy envelope;
- registered to vote by filling out and enclosing a voter registration ~~card~~ application in the ballot envelope; and
- provided proof of residence as indicated below.

NAME OF WITNESS (PLEASE PRINT) \_\_\_\_\_

ADDRESS OF NON-NOTARY WITNESS IN MINNESOTA (PLEASE PRINT)

\_\_\_\_\_  
SIGNATURE OF WITNESS \_\_\_\_\_ DATE \_\_\_\_\_ MN

\_\_\_\_\_  
TITLE OF WITNESS (IF AN OFFICIAL) \_\_\_\_\_

↓ PROOF OF RESIDENCE USED BY VOTER ↓

Witness - please check one:

- ( ) MN Driver's License/Permit/ID Card or receipt with current address.  
Number: \_\_\_\_\_
- ( ) Tribal ID card with name, address, signature, and current address.
- ( ) Utility bill or student fee statement plus a MN Driver's License/ID Card, Tribal ID card with picture, U.S. passport, U.S. military ID card with picture, or student ID card with picture.  
Number: \_\_\_\_\_
- ( ) Previous registration in the same precinct.
- (~~→~~) ~~Student ID. Number:~~ \_\_\_\_\_
- ( ) Notice of Late Registration from county auditor or municipal clerk.
- ( ) Registered voter in the precinct who vouched for absentee voter's residence in the precinct. (Please complete the three voucher lines below.)
- ( ) Employee of a residential facility in the precinct who vouched for absentee voter's residence at the facility. (Please complete the three voucher lines below.)

(~~Please complete the next three lines.~~)

VOUCHER'S NAME AND NAME OF RESIDENTIAL FACILITY, IF APPLICABLE (PLEASE PRINT)

# Proposed Rules

VOUCHER'S ADDRESS OR ADDRESS OF RESIDENTIAL FACILITY, IF APPLICABLE (PLEASE PRINT)

VOUCHER'S TELEPHONE NUMBER OR TELEPHONE NUMBER OF RESIDENTIAL FACILITY, IF APPLICABLE (PLEASE PRINT)

VOUCHER'S SIGNATURE

Subp. 2. **First two lines.** The county auditor or municipal clerk may complete the first two lines of a statement of absentee voter before mailing it to the absent voter by printing the name and address of the absent voter or by attaching a mailing label.

Subp. 3. **Printing specifications.** The statement shall be printed on the right-hand three-fourths of the back of the absentee ballot return envelope. The words "TO BE COMPLETED BY VOTER" shall be printed in no smaller than 12-point type in capital letters. The remainder of the statement shall be printed in no smaller than 8-point medium type.

Subp. 4. [See repealer.]

Subp. 4a. [See repealer.]

## 8210.0700 ABSENTEE BALLOT RETURN ENVELOPE AS PROVIDED BY MINNESOTA STATUTES, SECTIONS 203B.04 TO 203B.15.

Subpart 1. **Form.** The absentee ballot return envelope for persons casting an absentee ballot under *Minnesota Statutes*, sections 203B.04 to 203B.15, must be printed according to the specifications in subpart 2.

Subp. 2. **Printing specifications.** The absentee ballot return envelope must be printed according to the following specifications:

A. The envelope must be no smaller than 10-3/8 inches by 4-1/2 inches.

B. The words and numbers printed on the left-hand end of the envelope must be in no smaller than 12-point bold type.

C. The words "ABSENTEE BALLOT RETURN ENVELOPE" printed across the face of the envelope must be in no smaller than 18-point bold type in capital letters.

D. The envelope must be white in color with black ink.

E. The flap on one end of the back side of the envelope may be printed as follows:

"FOR OFFICE USE ONLY"

( ) ACCEPTED ( ) REJECTED

Reason

Subp. 3. **Mailing address.** County auditors and municipal clerks shall cause a mailing address to be printed on each return envelope that they mail or deliver to an absent voter. The address block shall be located in the lower right one-quarter of the envelope. A return envelope may be addressed to the county auditor, to the municipal clerk, or to the appropriate election judges of the precinct in which the absent voter is eligible to vote.

When an auditor has the duty to address envelopes for a municipality and the envelopes are to be addressed to the election judges, the clerk shall notify the auditor of the proper mailing address of each polling place in, or of the absentee ballot board for, the municipality. The clerk shall immediately notify the auditor of every change in the initial notification.

Subp. 4. [Repealed, 20 SR 2787]

Subp. 5. [Repealed, 20 SR 2787]

Subp. 6. [Repealed, 20 SR 2787]

Subp. 7. **Ward and precinct number.** The official mailing or delivering absentee ballots to an absent voter shall, before doing so, fill in the absent voter's ward and precinct number in the spaces provided on the left-hand end of the return envelope.

Subp. 8. **Return address.** A county auditor or municipal clerk may affix the return address to the upper left-hand corner of the return envelope.

Subp. 9. **Marks approved by United States Postal Service.** Marks approved by the United States Postal Service to identify ballot materials may be printed on the absentee ballot return envelope.

Subp. 10. **Sample envelope layout.** The secretary of state shall provide samples of the layout of the front and the back of the envelope.

## 8210.0800 ABSENTEE BALLOT RETURN ENVELOPE AS PROVIDED BY MINNESOTA STATUTES, SECTIONS 203B.16 AND 203B.17.

Subpart 1. **Form.** The absentee ballot return envelope for military and overseas voters must be printed according to the specifications

in subpart 2.

Subp. 2. **Specifications.** The specifications in items A to I apply to envelopes prepared pursuant to subpart 1.

A. The envelope may not be more than 11-1/2 inches in length nor less than 5-1/2 inches in length.

B. The envelope may not be more than 6-1/8 inches in width nor less than 3-1/2 inches in width.

C. In the upper right-hand corner, a postage symbol and box shall be imprinted:

U.S. Postage Paid

39 USC 3406

D. The words PAR AVION must be printed in 12-point bold type in capital letters one-half inch below the postage box.

E. The words "OFFICIAL ABSENTEE BALLOTING MATERIAL — FIRST CLASS MAIL" must be printed in 18-point bold type and inside a box. Immediately below, the words "No Postage Necessary in the U.S. Mail - DMM703.8.0" must be printed.

F. The envelope must be white in color with Pantone 194 U red ink or darker used for all printing.

G. County auditors or municipal clerks must address the return envelope as provided in part 8210.0700, subpart 3.

H. Facing identification marks (FIM) must be positioned as specified in United States postal service instructions for facing identification marks.

I. Marks approved by the United States Postal Service to identify ballot materials may be printed on the absentee ballot envelopes.

Subp. 3. **Affidavit of eligibility.** On the back of the absentee return envelope provided for in *Minnesota Statutes*, section 203B.21, an affidavit of eligibility must be printed on the right-hand three-fourths of the envelope in the form shown in subpart 3a.

Subp. 3a. **Form of affidavit of eligibility.**

↓ TO BE COMPLETED BY VOTER ↓

VOTER'S NAME (PLEASE PRINT) \_\_\_\_\_

VOTER'S PRESENT OR LAST ADDRESS IN MINNESOTA (PLEASE PRINT)  
\_\_\_\_\_

CITY OR TOWN (PLEASE PRINT) \_\_\_\_\_

COUNTY (PLEASE PRINT) \_\_\_\_\_

Telephone number (optional) \_\_\_\_\_

E-mail address (optional) \_\_\_\_\_

I ~~certify~~ swear or affirm, under penalty of perjury, that:

~~• the information above is correct;~~

• I have not cast and will not cast any other ballot in this election;

• I personally marked the enclosed ballot(s) without exhibiting it to any other person, or which, in case of my physical disability, was marked for me under my personal direction; and

• I am ~~qualified to vote the enclosed ballot(s) as (check category that applies):~~

( ) a member of the ~~armed forces~~ uniformed services or merchant marine on active duty or an eligible spouse or dependent of such a member;

~~( ) a spouse or dependent of a member of the armed forces;~~

( ) a ~~United States citizen of the U.S.~~ temporarily residing outside the territorial limits of the U.S. United States;

( ) a ~~other United States citizen of the U.S. permanently~~ residing outside the territorial limits of the U.S. United States

and I am a United States citizen, at least 18 years of age (or will be by the date of the election), and I am eligible to vote in the requested jurisdiction; I have not been convicted of a felony, or other disqualifying offense, or been adjudicated mentally incompetent, or, if so, my voting rights have been reinstated; and I am not registering, requesting a ballot, or voting in any other jurisdiction in the United States except the jurisdiction cited in this voting form.

In voting, I have marked and sealed my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under state or federal law. I have not been influenced.

My signature and date below indicate when I completed this document. The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for a conviction for perjury.

# Proposed Rules

\* Military identification (SSN) or passport number: \_\_\_\_\_

VOTER'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

↓ TO BE COMPLETED BY WITNESS ↓

**\*Note:** No witness is required if ~~you provide~~ your military identification (SSN) or passport number ~~to match~~ matches the military identification (SSN) or passport number on your application.

SIGNATURE OF WITNESS \_\_\_\_\_

DATE \_\_\_\_\_

TITLE OF WITNESS (Give title or office of witness authorized to administer oaths or witness who is a military officer not below the rank of sergeant or its equivalent.)  
\_\_\_\_\_

Subp. 4. **Sample envelope layout.** The secretary of state shall provide samples of the layout of the front and the back of the envelope.

## **8210.2200 DUTIES OF COUNTY AUDITOR OR MUNICIPAL CLERK UPON RECEIPT OF ABSENTEE BALLOT RETURN ENVELOPE.**

Subpart 1. **Personal delivery.** Absentee ballot return envelopes that are delivered in person by an absent voter must be received by the county auditor or municipal clerk by 5:00 p.m. on the day before election day. Absentee ballot return envelopes that are delivered in person by an agent must be received by the county auditor or municipal clerk by 3:00 p.m. on election day.

Subp. 2. **Inspecting for seal.** Before accepting an absentee ballot return envelope that is hand delivered by an absent voter or an agent, the county auditor or municipal clerk shall inspect the envelope to verify that it is sealed and that the absent voter's certificate is properly completed.

When an absent voter hand delivers an envelope which is unsealed or has an improperly completed absent voter's certificate, the absent voter shall be allowed to seal the envelope and correct or complete the certificate.

When an agent hand delivers a sealed envelope with an improperly completed absent voter's certificate, the agent may return the envelope to the absent voter for correction or completion in compliance with the time requirements in subpart 1.

When an agent hand delivers an envelope that is not sealed or which the auditor or clerk has reason to believe has been tampered with, the envelope shall not be accepted. The auditor or clerk shall write "rejected" across the absentee ballot return envelope and shall write the reason for rejection on the envelope. The absentee ballot return envelope shall be retained by the auditor or clerk in the auditor's or clerk's office. A notice of nonacceptance shall be mailed to the absent voter promptly, stating the date of nonacceptance, the name and address of the agent, and the reason for nonacceptance. A replacement ballot notice may be sent in place of the notice of nonacceptance. The absent voter may apply for replacement absentee ballots.

Subp. 3. **Recording name and address.** When an absentee ballot return envelope is hand delivered to the county auditor or municipal clerk by an agent, the agent shall, on a record maintained by the auditor or clerk, print the agent's name and address, the name and address of the absent voter whose ballot the agent is delivering, and sign his or her name. The agent shall show to the auditor or clerk identification which contains the agent's name and signature.

**REPEALER.** Minnesota Rules, parts 8210.0200, subparts 1, 1a, 1c, 1d, 2, 4a, and 6; and 8210.0600, subparts 4 and 4a, are repealed.

**INSTRUCTION TO REVISOR.** The headnote of Minnesota Rules, part 8200.9300, shall be changed to read "MAINTAINING CERTAIN VOTER REGISTRATION RECORDS; SECURITY."



# Commissioners' Orders

Various agency commissioners are authorized to issue "commissioner's orders" on specified activities governed by their agency's enabling laws. See the *Minnesota Statutes* governing each agency to determine the specific applicable statutes. Commissioners' orders are approved by assistant attorneys general as to form and execution and published in the *State Register*. These commissioners orders are compiled in the year-end subject matter index for each volume of the *State Register*.

## Minnesota Department of Natural Resources

### Classification of State Forest Lands Outside State Forests Under the Authority of the Commissioner in Clay County, Minnesota with Respect to Motor Vehicle Use

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the classification of state forest lands outside of state forests under the authority of the commissioner in Clay County as either "*closed*" or "*limited*" with respect to motor vehicle use. The classification of state forest lands with respect to motor vehicle use is pursuant to *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950.

#### WHEREAS

1. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.
2. The Department of Natural Resources published its proposed motor vehicle use classification and forest road and trail designations for state forest lands outside state forests under the authority of the commissioner in Clay County, Minnesota in a draft plan in May 2007.
3. All notice and procedural requirements in *Minnesota Statutes*, and other applicable laws and rules have been met.
4. The state forest classification is both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that approximately 280 acres of state forest land outside state forests under the authority of the Commissioner in Clay County be classified as "*closed*" with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law. These state forest lands are depicted as "*closed*" on the map in *Exhibit A*, attached hereto and incorporated within.

**IT IS FURTHER ORDERED** that approximately 40 acres of state forest land outside state forests under the authority of the commissioner in Clay County, Minnesota be classified as "*limited*" with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law. These state forest lands are depicted as "*limited*" on the map in *Exhibit A*.

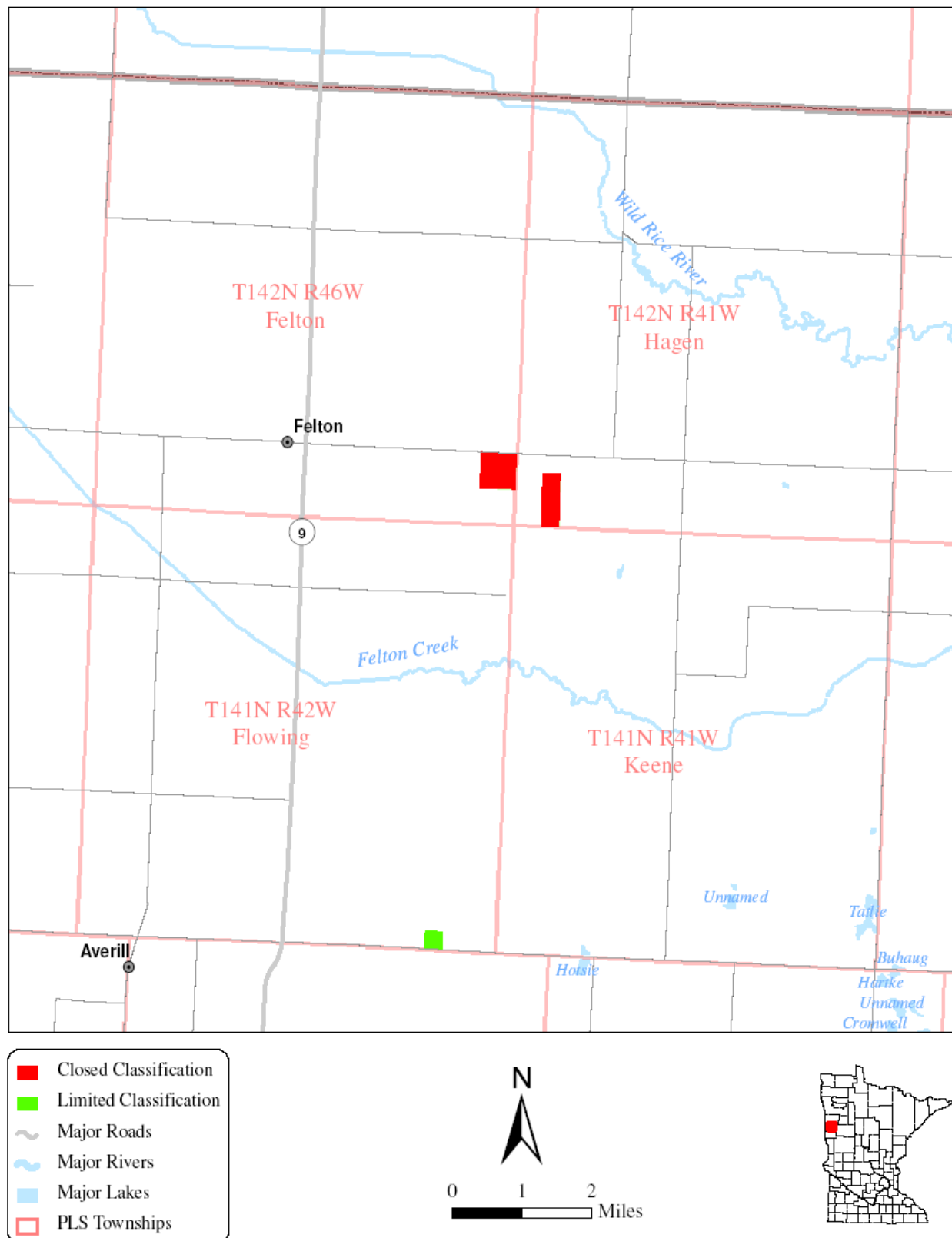
**IT IS FURTHER ORDERED** that the above motor vehicle use classification shall become effective on December 31, 2008.

Dated: December 14, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

# Commissioner's Orders

## Exhibit A: Motor Vehicle Classification of State Forest Lands Clay County, Minnesota



---

---

# Commissioner's Orders

## Minnesota Department of Natural Resources

### Classification of State Forest Lands Outside State Forests Under the Authority of the Commissioner in Wadena County, Minnesota with Respect to Motor Vehicle Use

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the classification of state forest lands outside of state forests under the authority of the commissioner in Wadena County as “*limited*” with respect to motor vehicle use. The classification of state forest lands with respect to motor vehicle use is pursuant to *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950.

#### WHEREAS

1. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.

2. The Department of Natural Resources published its proposed motor vehicle use classification and forest road and trail designations for state forest lands outside state forests under the authority of the commissioner in Wadena County, Minnesota in a draft plan in May 2007.

3. All notice and procedural requirements in *Minnesota Statutes*, and other applicable laws and rules have been met.

4. The state forest classification is both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that approximately 2,290 acres of state forest land outside state forests under the authority of the Commissioner in Wadena County be classified as “*limited*” with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law.

**IT IS FURTHER ORDERED** that the above motor vehicle use classification shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

# Commissioner's Orders

---

## Minnesota Department of Natural Resources

### Designation of Forest Roads on State Forest Lands Outside State Forests Under the Authority of the Commissioner in Wadena County, Minnesota

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the designation of forest roads located on state forest lands outside state forests under the authority of the commissioner in Wadena County, Minnesota. These designations are pursuant to *Minnesota Statutes*, Section 89.71, Subd. 1.

#### WHEREAS

1. *Minnesota Statutes*, Section 89.71, Subd. 1 provides that the commissioner may designate or undesignate forest roads by written order published in the *State Register*.
2. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.
3. The agency published its proposed motor use classification and forest road and trail designations in a draft plan in May 2007. The agency held public meetings and solicited and received written comments and submissions regarding the public's use of forest lands outside state forests under the authority of the commissioner and roads and trails in Wadena County, Minnesota.
4. All public and procedural requirements in *Minnesota Statutes*, and other applicable rules and legal requirements, have been fulfilled.
5. The forest road designations are both needed and reasonable.

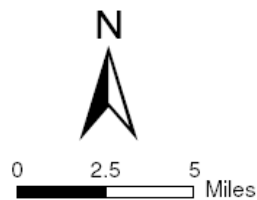
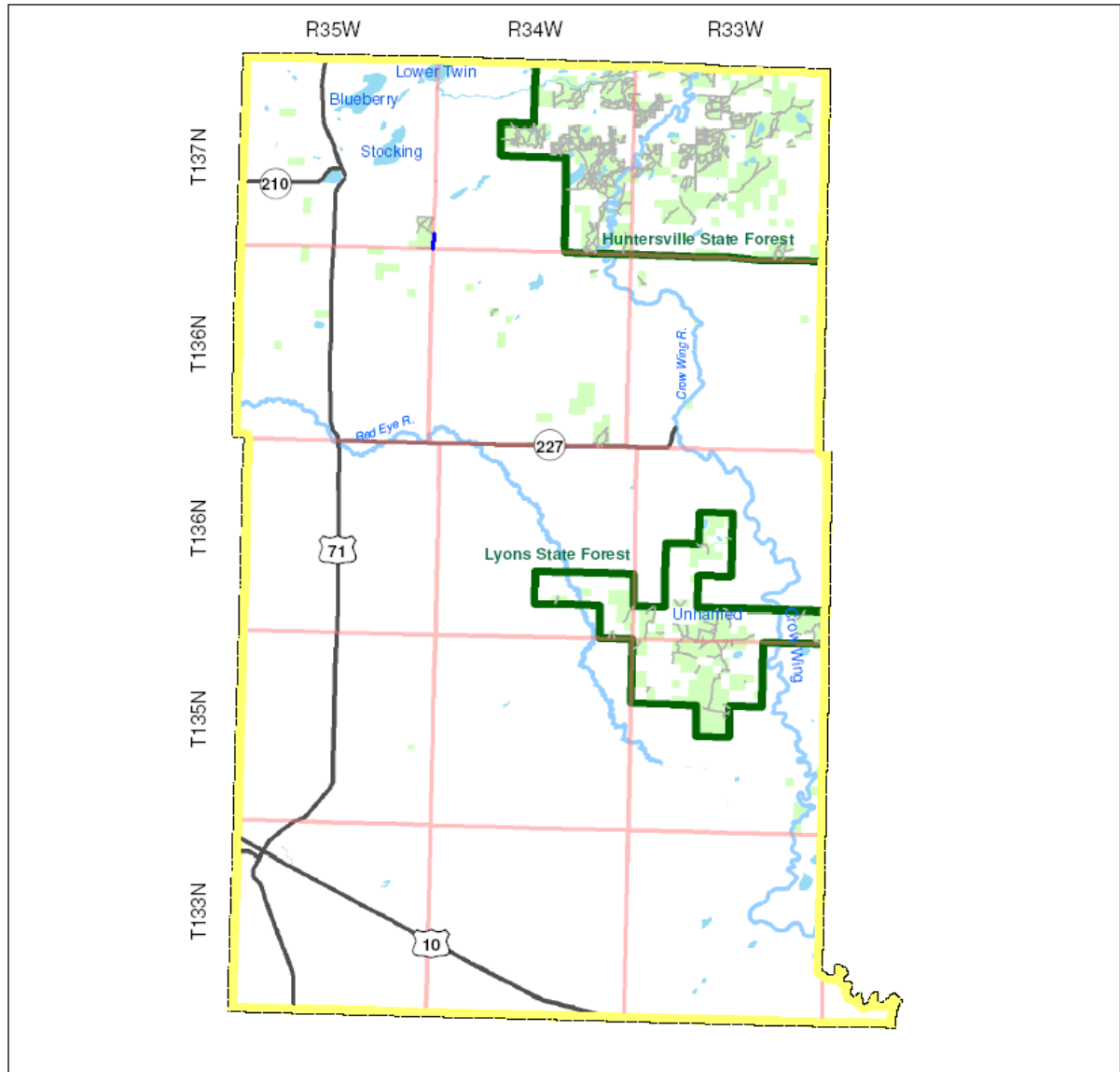
**NOW THEREFORE, IT IS ORDERED** that the forest roads identified in *Exhibit A*, attached hereto and incorporated herein, are hereby designated pursuant to authority vested in me by Minnesota law.

**IT IS FURTHER ORDERED** that the designation of the forest roads identified in *Exhibit A* shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

Exhibit A: Forest Road Designation





# Commissioners' Orders

---

## Minnesota Department of Natural Resources

### Designation of Forest Trails on State Forest Lands Outside State Forests Under the Authority of the Commissioner in Wadena County, Minnesota

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the designation of forest trails located on state forest lands outside state forests under the authority of the commissioner in Wadena County, Minnesota. These designations, pursuant to *Minnesota Statutes*, Section 89.19, Subd. 2, are for specified recreational purposes.

#### WHEREAS

1. *Minnesota Statutes*, Section 89.19, Subd. 2 authorizes the designation, and changes in designation, of forest trails by written order, specifying public notice and public meeting requirements that must be fulfilled prior to making such designations.

2. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.

3. The agency published its proposed motor use classification and forest road and trail designations in a draft plan in May 2007. The agency held public meetings and solicited and received written comments and submissions regarding the public's use of forest lands outside state forests under the authority of the commissioner in Wadena County, Minnesota.

4. All public and procedural requirements in *Minnesota Statutes*, and other applicable rules and legal requirements, have been fulfilled.

5. The forest trail designations are both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that the forest trails described below are hereby designated pursuant to authority vested in me by Minnesota law:

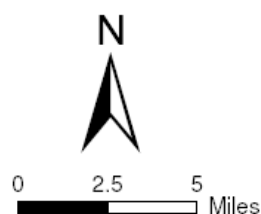
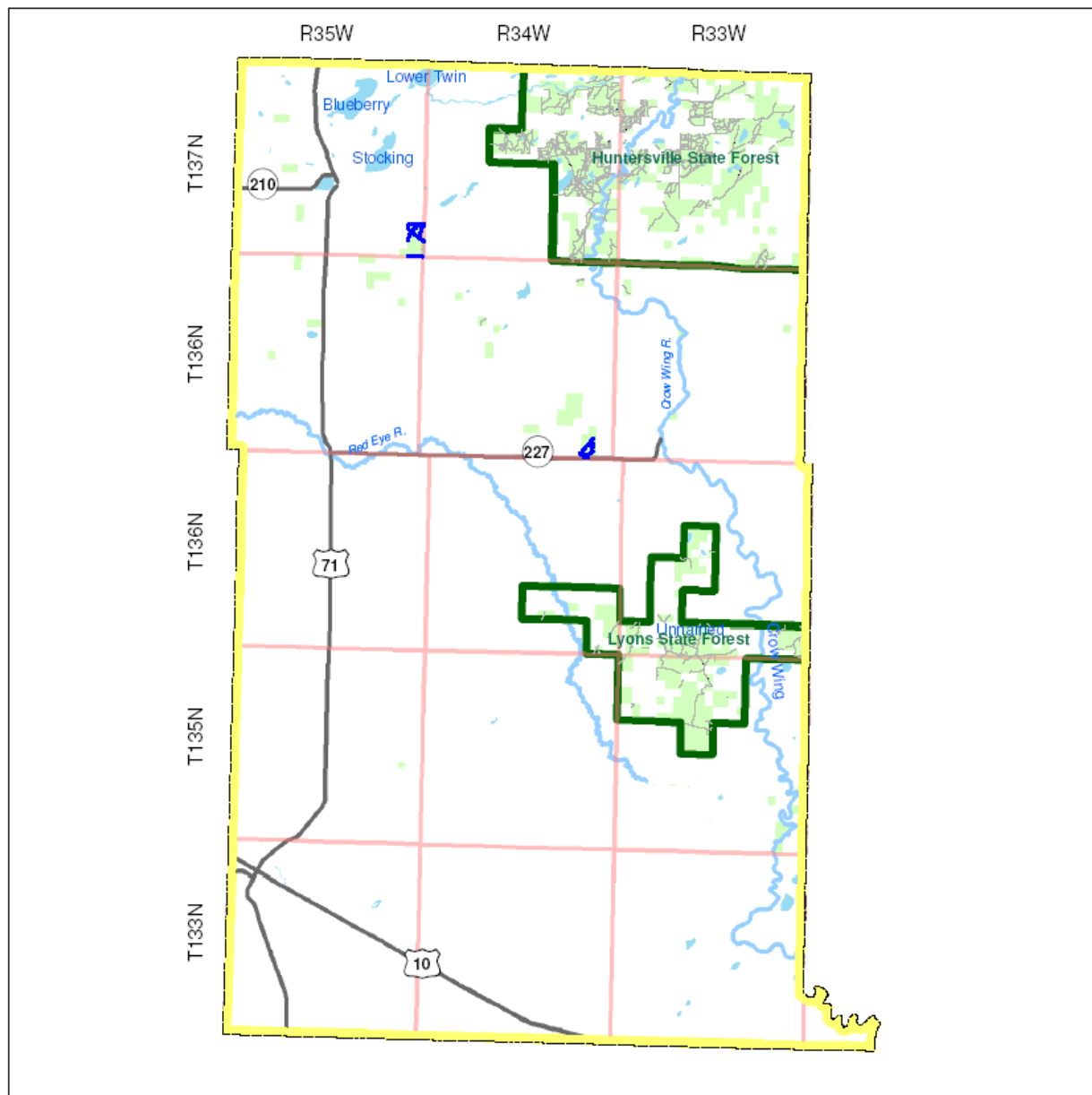
**1. Hunter Walking Trails** – The approximately 4.5 miles of trail depicted on the map labeled *Exhibit A*, attached hereto and incorporated herein, are designated Hunter Walking Trails.

**IT IS FURTHER ORDERED** that the designation of the forest trails identified in *Exhibit A* shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

## Exhibit A: Hunter Walking Trail Designation



# Commissioner's Orders

---

## Minnesota Department of Natural Resources

### Classification of State Forest Lands Outside State Forests Under the Authority of the Commissioner in Douglas County, Minnesota with Respect to Motor Vehicle Use

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the classification of state forest lands outside of state forests under the authority of the commissioner in Douglas County as “*limited*” with respect to motor vehicle use. The classification of state forest lands with respect to motor vehicle use is pursuant to *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950.

#### WHEREAS

1. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.

2. The Department of Natural Resources published its proposed motor vehicle use classification and forest road and trail designations for state forest lands outside state forests under the authority of the commissioner in Douglas County, Minnesota in a draft plan in May 2007.

3. All notice and procedural requirements in *Minnesota Statutes*, and other applicable laws and rules have been met.

4. The state forest classification is both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that approximately 163 acres of state forest land outside state forests under the authority of the Commissioner in Douglas County be classified as “*limited*” with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law.

**IT IS FURTHER ORDERED** that the above motor vehicle use classification shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

## Minnesota Department of Natural Resources

### Classification of State Forest Lands Outside State Forests Under the Authority of the Commissioner in Todd County, Minnesota with Respect to Motor Vehicle Use

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the classification of state forest lands outside of state forests under the authority of the commissioner in Todd County as “*limited*” with respect to motor vehicle use. The classification of state forest lands with respect to motor vehicle use is pursuant to *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950.

#### WHEREAS

1. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.
2. The Department of Natural Resources published its proposed motor vehicle use classification and forest road and trail designations for state forest lands outside state forests under the authority of the commissioner in Todd County, Minnesota in a draft plan in May 2007.
3. All notice and procedural requirements in *Minnesota Statutes*, and other applicable laws and rules have been met.
4. The state forest classification is both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that approximately 3,267 acres of state forest land outside state forests under the authority of the Commissioner in Todd County be classified as “*limited*” with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law.

**IT IS FURTHER ORDERED** that the above motor vehicle use classification shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

# Commissioners' Orders

---

## Minnesota Department of Natural Resources

### Classification of State Forest Lands Outside State Forests Under the Authority of the Commissioner in Pope County, Minnesota with Respect to Motor Vehicle Use

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the classification of state forest lands outside of state forests under the authority of the commissioner in Pope County as “*closed*” with respect to motor vehicle use. The classification of state forest lands with respect to motor vehicle use is pursuant to *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950.

#### WHEREAS

1. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.
2. The Department of Natural Resources published its proposed motor vehicle use classification and forest road and trail designations for state forest lands outside state forests under the authority of the commissioner in Pope County, Minnesota in a draft plan in May 2007.
3. All notice and procedural requirements in *Minnesota Statutes*, and other applicable laws and rules have been met.
4. The state forest classification is both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that approximately 80 acres of state forest land outside state forests under the authority of the Commissioner in Pope County be classified as “*closed*” with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law.

**IT IS FURTHER ORDERED** that the above motor vehicle use classification shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources



## Minnesota Department of Natural Resources

### Classification of State Forest Lands Outside State Forests Under the Authority of the Commissioner in Otter Tail County, Minnesota with Respect to Motor Vehicle Use

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the classification of state forest lands outside of state forests under the authority of the commissioner in Otter Tail County as “*limited*” with respect to motor vehicle use. The classification of state forest lands with respect to motor vehicle use is pursuant to *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950.

#### **WHEREAS**

1. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.

2. The Department of Natural Resources published its proposed motor vehicle use classification and forest road and trail designations for state forest lands outside state forests under the authority of the commissioner in Otter Tail County, Minnesota in a draft plan in May 2007.

3. All notice and procedural requirements in *Minnesota Statutes*, and other applicable laws and rules have been met.

4. The state forest classification is both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that approximately 2,695 acres of state forest land outside state forests under the authority of the Commissioner in Otter Tail County be classified as “*limited*” with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law.

**IT IS FURTHER ORDERED** that the above motor vehicle use classification shall become effective on December 31, 2008.

Dated: December 13, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

# Commissioner's Orders

---

## Minnesota Department of Natural Resources

### Designation of Forest Roads in Huntersville State Forest in Hubbard and Wadena Counties, Minnesota

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the designation of forest roads located within the Huntersville State Forest. These designations are pursuant to *Minnesota Statutes*, Section 89.71, Subd. 1.

#### WHEREAS

1. *Minnesota Statutes*, Section 89.71, Subd. 1 provides that the commissioner may designate or undesignate forest roads by written order published in the *State Register*.
2. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.
3. The agency published its proposed motor use classification and forest road and trail designations in a draft plan in May 2007. The agency held public meetings and solicited and received written comments and submissions regarding the public's use of forest lands and roads and trails in Huntersville State Forest in Hubbard and Wadena Counties, Minnesota.
4. All public and procedural requirements in *Minnesota Statutes*, and other applicable rules and legal requirements, have been fulfilled.
5. The forest road designations are both needed and reasonable.

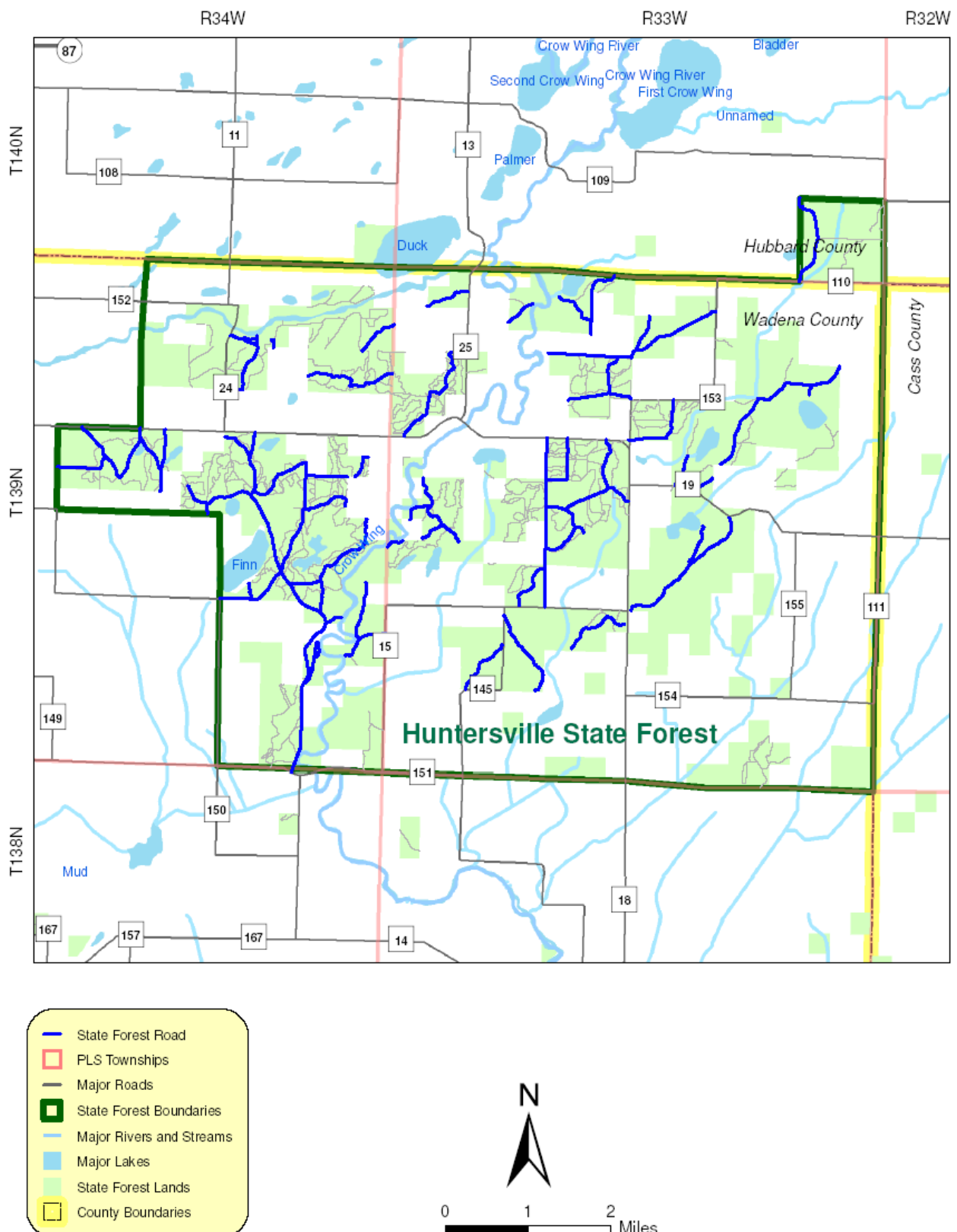
**NOW THEREFORE, IT IS ORDERED** that the forest roads identified in *Exhibit A*, attached hereto and incorporated herein, are hereby designated pursuant to authority vested in me by Minnesota law.

**IT IS FURTHER ORDERED** that the designation of the forest roads identified in *Exhibit A* shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

## Exhibit A: Forest Road Designation



# Commissioner's Orders

---

## Minnesota Department of Natural Resources

### Designation of Forest Trails in Huntersville State Forest in Hubbard and Wadena Counties, Minnesota

NOTICE IS HEREBY GIVEN that the Commissioner of Natural Resources orders the designation of forest trails located within the Huntersville State Forest. These designations, pursuant to *Minnesota Statutes*, Section 89.19, Subd. 2, are for specified recreational purposes.

#### WHEREAS

1. *Minnesota Statutes*, Section 89.19, Subd. 2 authorizes the designation, and changes in designation, of forest trails by written order, specifying public notice and public meeting requirements that must be fulfilled prior to making such designations.

2. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.

3. The agency published its proposed motor use classification and forest road and trail designations in a draft plan in May 2007. The agency held public meetings and solicited and received written comments and submissions regarding the public's use of forest lands and roads and trails in Huntersville State Forest in Hubbard and Wadena Counties, Minnesota.

4. All public and procedural requirements in *Minnesota Statutes*, and other applicable rules and legal requirements, have been fulfilled.

5. The forest trail designations are both needed and reasonable.

NOW THEREFORE, IT IS ORDERED that the forest trails described below are hereby designated pursuant to authority vested in me by Minnesota law:

1. **All Terrain Vehicle (ATV) / Off-Highway Motorcycle (OHM) Trails** – The approximately 3.6 miles of trail depicted on the map labeled *Exhibit A*, attached hereto and incorporated herein, are designated as ATV/OHM Trails.

2. **Off-Highway Motorcycle (OHM) Trails** – The approximately 50.7 miles of trail depicted on the map labeled *Exhibit B*, attached hereto and incorporated herein, are designated OHM Trails.

3. **Horseback Trails** – The approximately 17.9 miles of trail depicted on the map labeled *Exhibit C*, attached hereto and incorporated herein, are designated Horseback Trails.

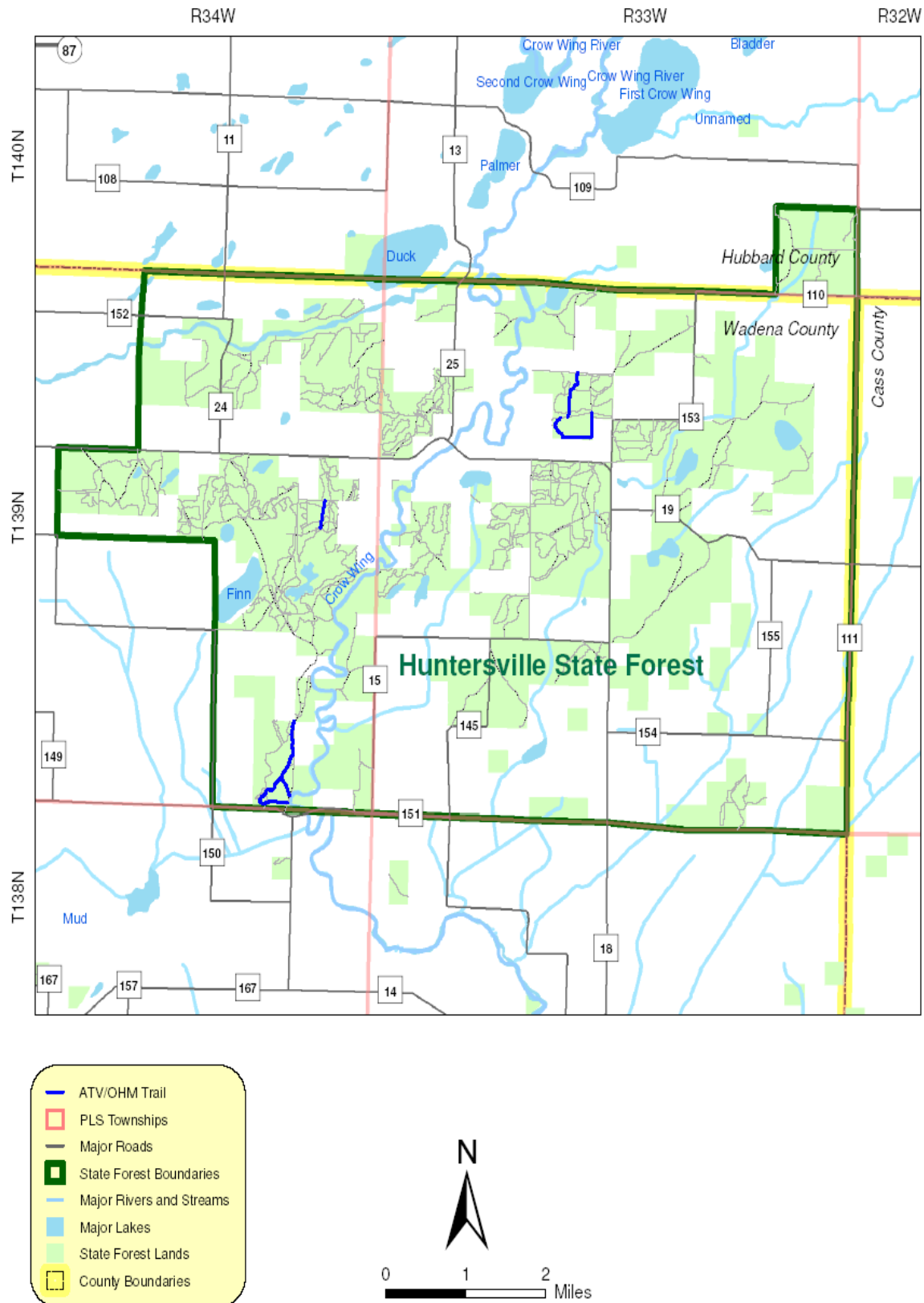
IT IS FURTHER ORDERED that the designation of the forest trails identified in *Exhibits A, B, and C* shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

# Commissioner's Orders

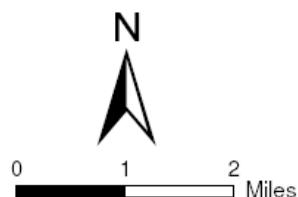
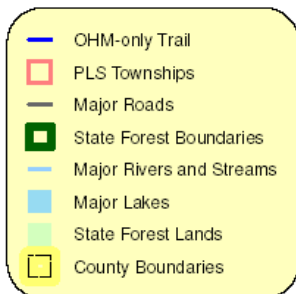
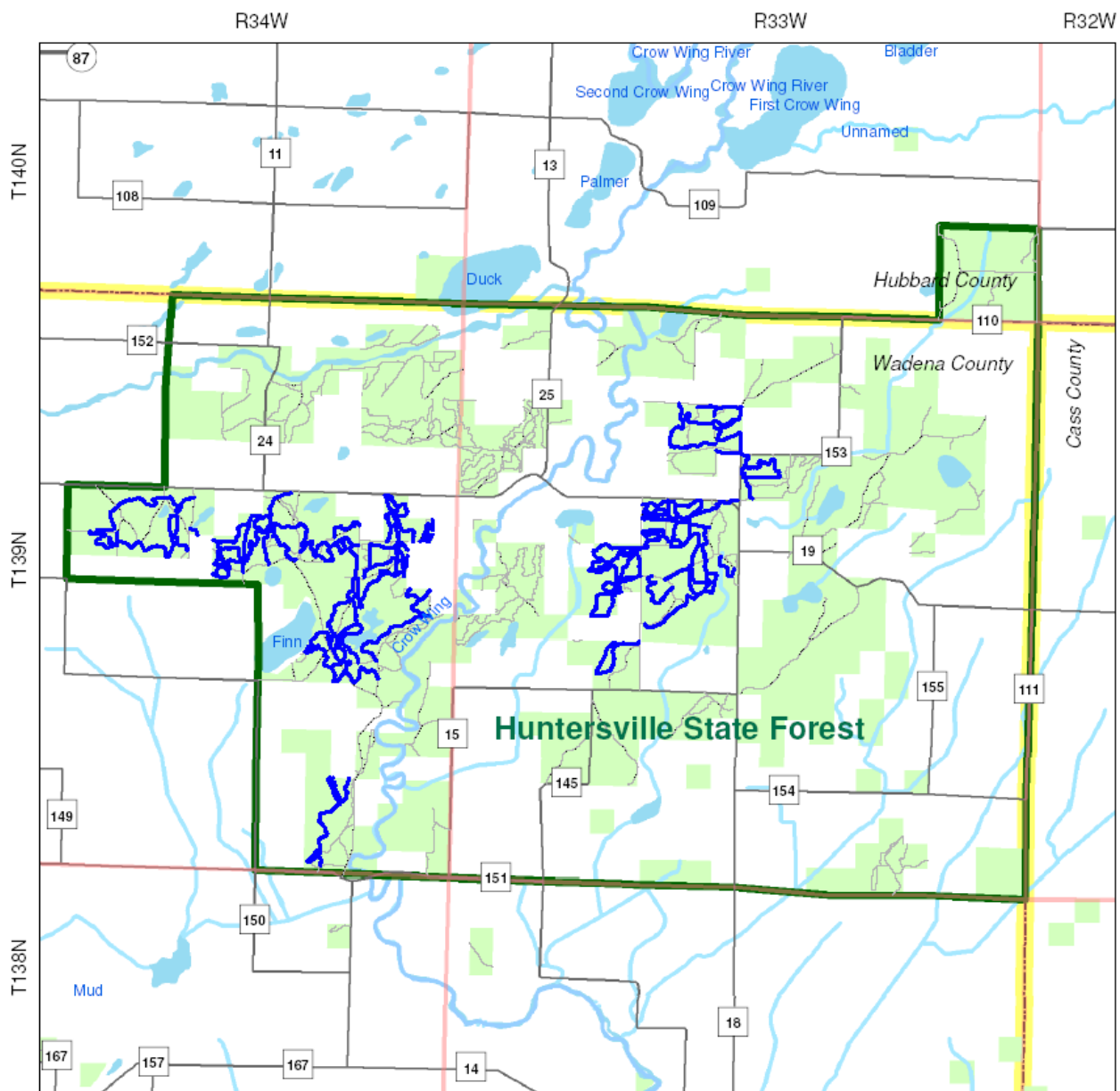
## Exhibit A: All-Terrain Vehicle / Off Highway Motorcycle (ATV/OHM) Trail Designation





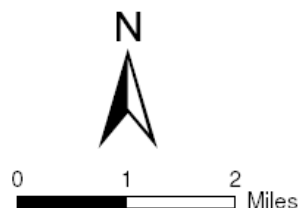
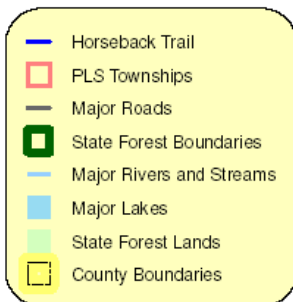
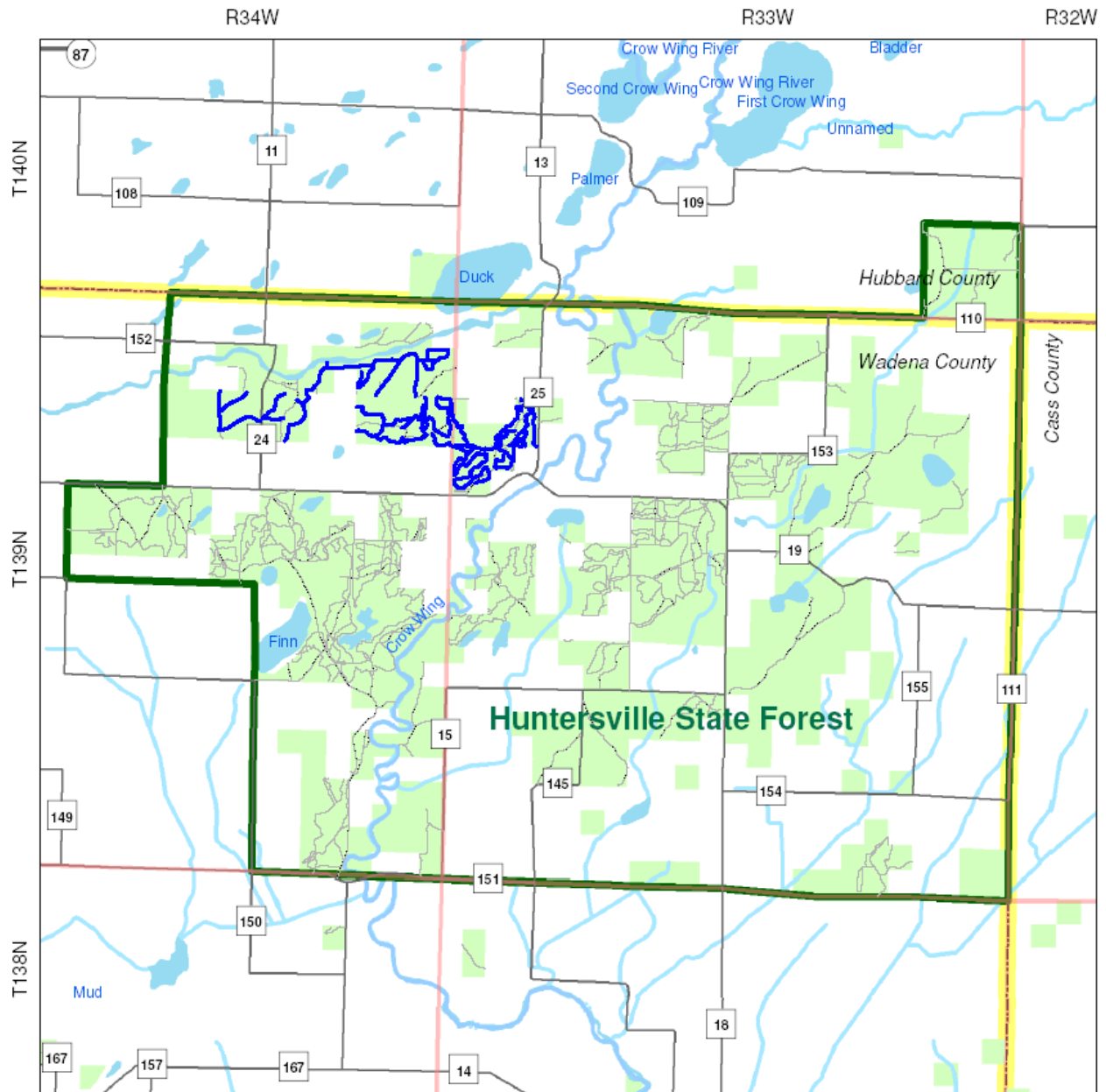
# Commissioner's Orders

## Exhibit B: Off Highway Motorcycle (OHM) Trail Designation



# Commissioner's Orders

## Exhibit C: Horseback Trail Designation



# Commissioner's Orders

---

## Minnesota Department of Natural Resources

### Classification of the Huntersville State Forest in Hubbard and Wadena Counties, Minnesota with Respect to Motor Vehicle Use

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the classification of the Huntersville State Forest as “*limited*” with respect to motor vehicle use. The classification of state forest lands with respect to motor vehicle use is pursuant to *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950.

#### WHEREAS

1. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.
2. The Department of Natural Resources published its proposed motor vehicle use classification and forest road and trail designations for state forest lands in Huntersville State Forest in Hubbard and Wadena Counties, Minnesota in a draft plan in May 2007.
3. All notice and procedural requirements in *Minnesota Statutes*, and other applicable laws and rules have been met.
4. The state forest classification is both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that approximately 16,674 acres of state forest land in the Huntersville State Forest in Hubbard and Wadena Counties, Minnesota be classified as “*limited*” with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law.

**IT IS FURTHER ORDERED** that the above motor vehicle use classification shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

## Minnesota Department of Natural Resources

### Classification of the Lyons State Forest in Wadena County, Minnesota with Respect to Motor Vehicle Use

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the classification of the Lyons State Forest as “*limited*” with respect to motor vehicle use. The classification of state forest lands with respect to motor vehicle use is pursuant to *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950.

#### **WHEREAS**

1. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.
2. The Department of Natural Resources published its proposed motor vehicle use classification and forest road and trail designations for state forest lands in Lyons State Forest in Wadena County, Minnesota in a draft plan in May 2007.
3. All notice and procedural requirements in *Minnesota Statutes*, and other applicable laws and rules have been met.
4. The state forest classification is both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that approximately 16,674 acres of state forest land in the Lyons State Forest in Wadena County, Minnesota be classified as “*limited*” with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law.

**IT IS FURTHER ORDERED** that the above motor vehicle use classification shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

# Commissioner's Orders

---

## Minnesota Department of Natural Resources

### Designation of Forest Roads in Lyons State Forest in Wadena County, Minnesota

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the designation of forest roads located within the Lyons State Forest. These designations are pursuant to *Minnesota Statutes*, Section 89.71, Subd. 1.

#### WHEREAS

1. *Minnesota Statutes*, Section 89.71, Subd. 1 provides that the commissioner may designate or undesignate forest roads by written order published in the *State Register*.

2. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.

3. The agency published its proposed motor use classification and forest road and trail designations in a draft plan in May 2007. The agency held public meetings and solicited and received written comments and submissions regarding the public's use of forest lands and roads and trails in Lyons State Forest in Wadena County, Minnesota.

4. All public and procedural requirements in *Minnesota Statutes*, and other applicable rules and legal requirements, have been fulfilled.

5. The forest road designations are both needed and reasonable.

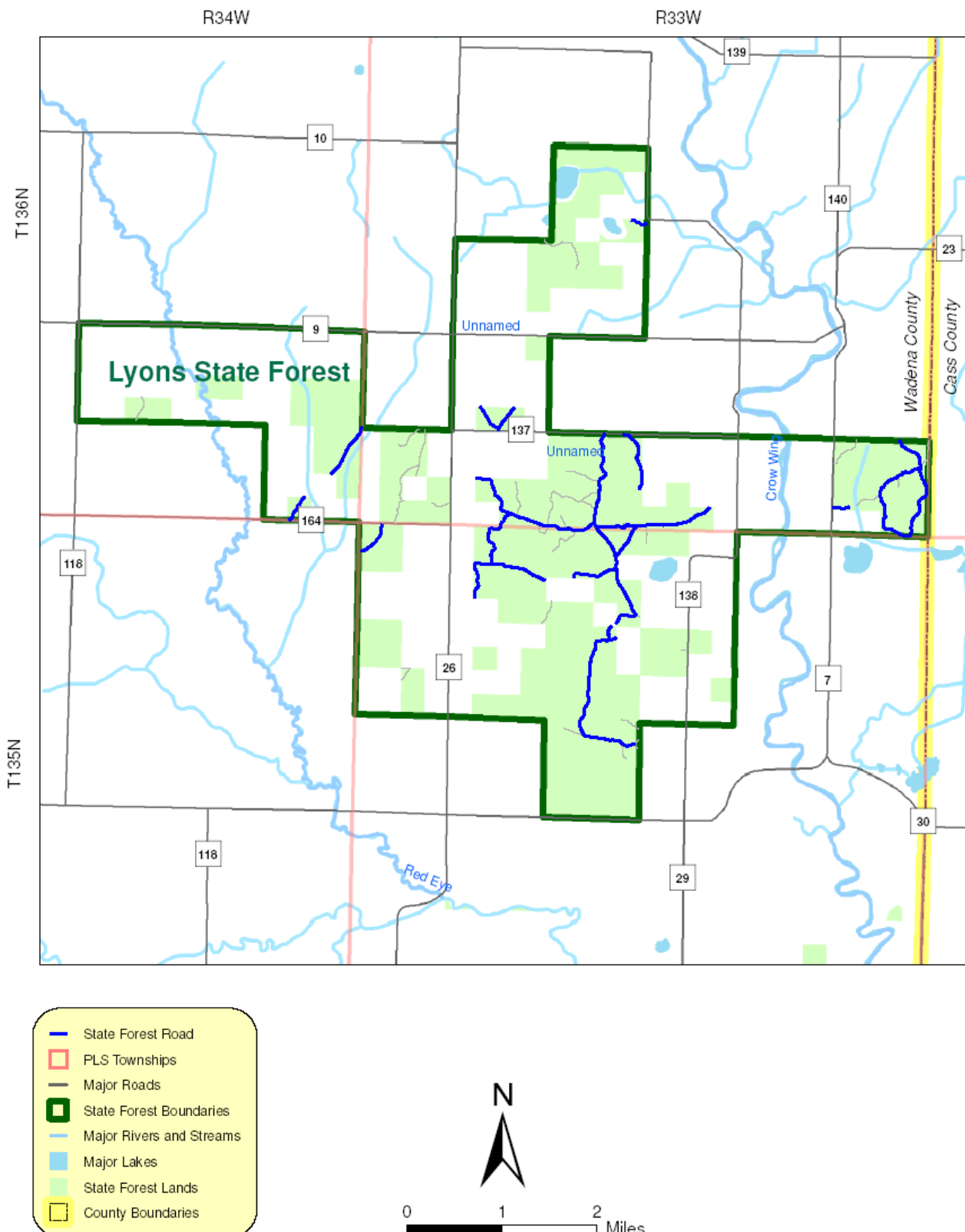
**NOW THEREFORE, IT IS ORDERED** that the forest roads identified in *Exhibit A*, attached hereto and incorporated herein, are hereby designated pursuant to authority vested in me by Minnesota law.

**IT IS FURTHER ORDERED** that the designation of the forest roads identified in *Exhibit A* shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

## Exhibit A: Forest Road Designation





# Commissioner's Orders

---

## Minnesota Department of Natural Resources

### Designation of Forest Trails in Lyons State Forest in Wadena County, Minnesota

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the designation of forest trails located within the Lyons State Forest. These designations, pursuant to *Minnesota Statutes*, Section 89.19, Subd. 2, are for specified recreational purposes.

#### WHEREAS

1. *Minnesota Statutes*, Section 89.19, Subd. 2 authorizes the designation, and changes in designation, of forest trails by written order, specifying public notice and public meeting requirements that must be fulfilled prior to making such designations.

2. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.

3. The agency published its proposed motor use classification and forest road and trail designations in a draft plan in May 2007. The agency held public meetings and solicited and received written comments and submissions regarding the public's use of forest lands and roads and trails in Lyons State Forest in Wadena County, Minnesota.

4. All public and procedural requirements in *Minnesota Statutes*, and other applicable rules and legal requirements, have been fulfilled.

5. The forest trail designations are both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that the forest trails described below are hereby designated pursuant to authority vested in me by Minnesota law:

1. **All Terrain Vehicle (ATV) / Off-Highway Motorcycle (OHM) Trails** – The approximately 2.3 miles of trail depicted on the map labeled *Exhibit A*, attached hereto and incorporated herein, are designated as ATV/OHM Trails.

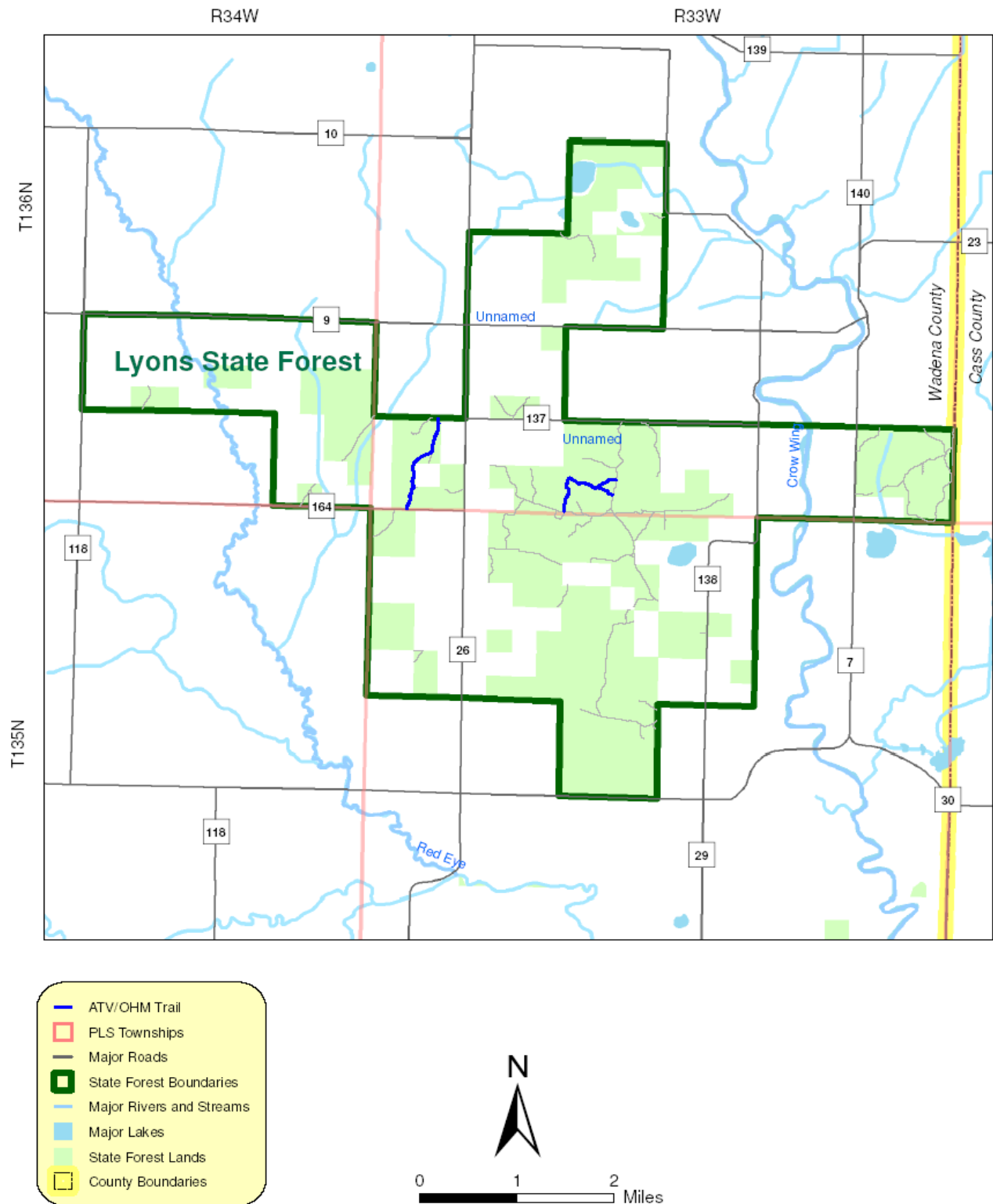
**IT IS FURTHER ORDERED** that the designation of the forest trails identified in *Exhibit A* shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

# Commissioner's Orders

## Exhibit A: All Terrain Vehicle / Off Highway Motorcycle (ATV/OHM) Trail Designation



# Commissioner's Orders

---

## Minnesota Department of Natural Resources

### Classification of the Smoky Hills State Forest in Becker County, Minnesota with Respect to Motor Vehicle Use

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the classification of the Smoky Hills State Forest as “*limited*” with respect to motor vehicle use. The classification of state forest lands with respect to motor vehicle use is pursuant to *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950.

#### WHEREAS

1. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.

2. The Department of Natural Resources published its proposed motor vehicle use classification and forest road and trail designations for state forest lands in Smoky Hills State Forest in Becker County, Minnesota in a draft plan in May 2007.

3. All notice and procedural requirements in *Minnesota Statutes*, and other applicable laws and rules have been met.

4. The state forest classification is both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that approximately 15,074 acres of state forest land in the Smoky Hills State Forest in Becker County, Minnesota be classified as “*limited*” with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law.

**IT IS FURTHER ORDERED** that state forest lands within the area described below be designated as areas with limitations on off-trail and non-designated trail use pursuant to *Minnesota Statutes*, Section 84.926, Subd. 5. These areas are depicted in ***Exhibit A***.

- State lands in T140N R37W with the area described as being: north of Trunk Highway 34, east of Becker County 39, south and west of Trunk Highway 225, west of Gyles Road, and west of Old Mill Road. This area includes all or parts of 17 sections of the township and consists of approximately 6,590 acres.

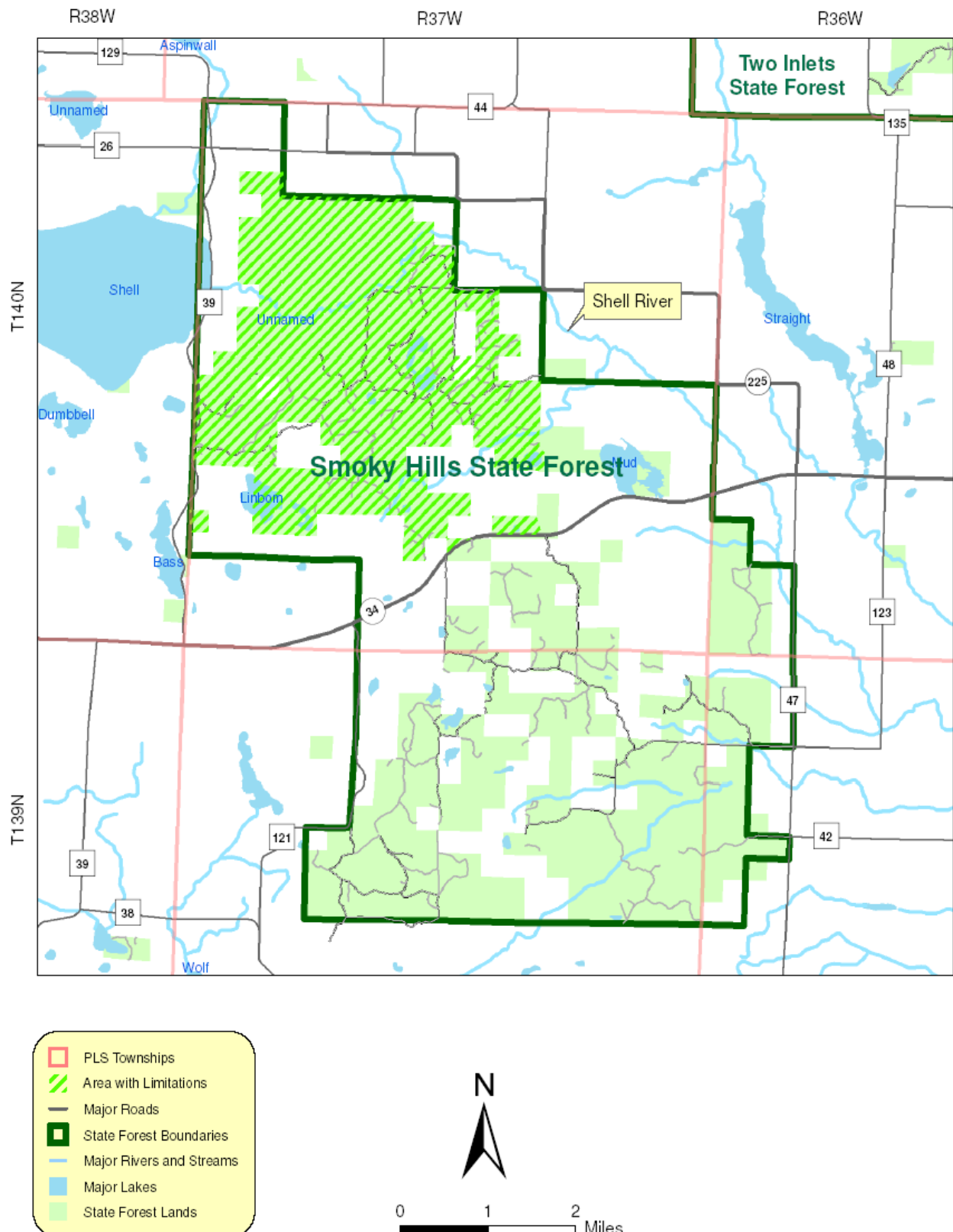
**IT IS FURTHER ORDERED** that the above motor vehicle use classification and areas with limitations on off-trail and non-designated trail use shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

# Commissioner's Orders

## Exhibit A: Area with Limitations on Off-trail and Non-designated Trail Use (MN Statutes 84.926, Subd. 5)



# Commissioner's Orders

---

## Minnesota Department of Natural Resources Designation of Forest Roads in Smoky Hills State Forest in Becker County, Minnesota

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the designation of forest roads located within the Smoky Hills State Forest. These designations are pursuant to *Minnesota Statutes*, Section 89.71, Subd. 1.

### WHEREAS

1. *Minnesota Statutes*, Section 89.71, Subd. 1 provides that the commissioner may designate or undesignate forest roads by written order published in the *State Register*.

2. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.

3. The agency published its proposed motor use classification and forest road and trail designations in a draft plan in May 2007. The agency held public meetings and solicited and received written comments and submissions regarding the public's use of forest lands and roads and trails in Smoky Hills State Forest in Becker County, Minnesota.

4. All public and procedural requirements in *Minnesota Statutes*, and other applicable rules and legal requirements, have been fulfilled.

5. The forest road designations are both needed and reasonable.

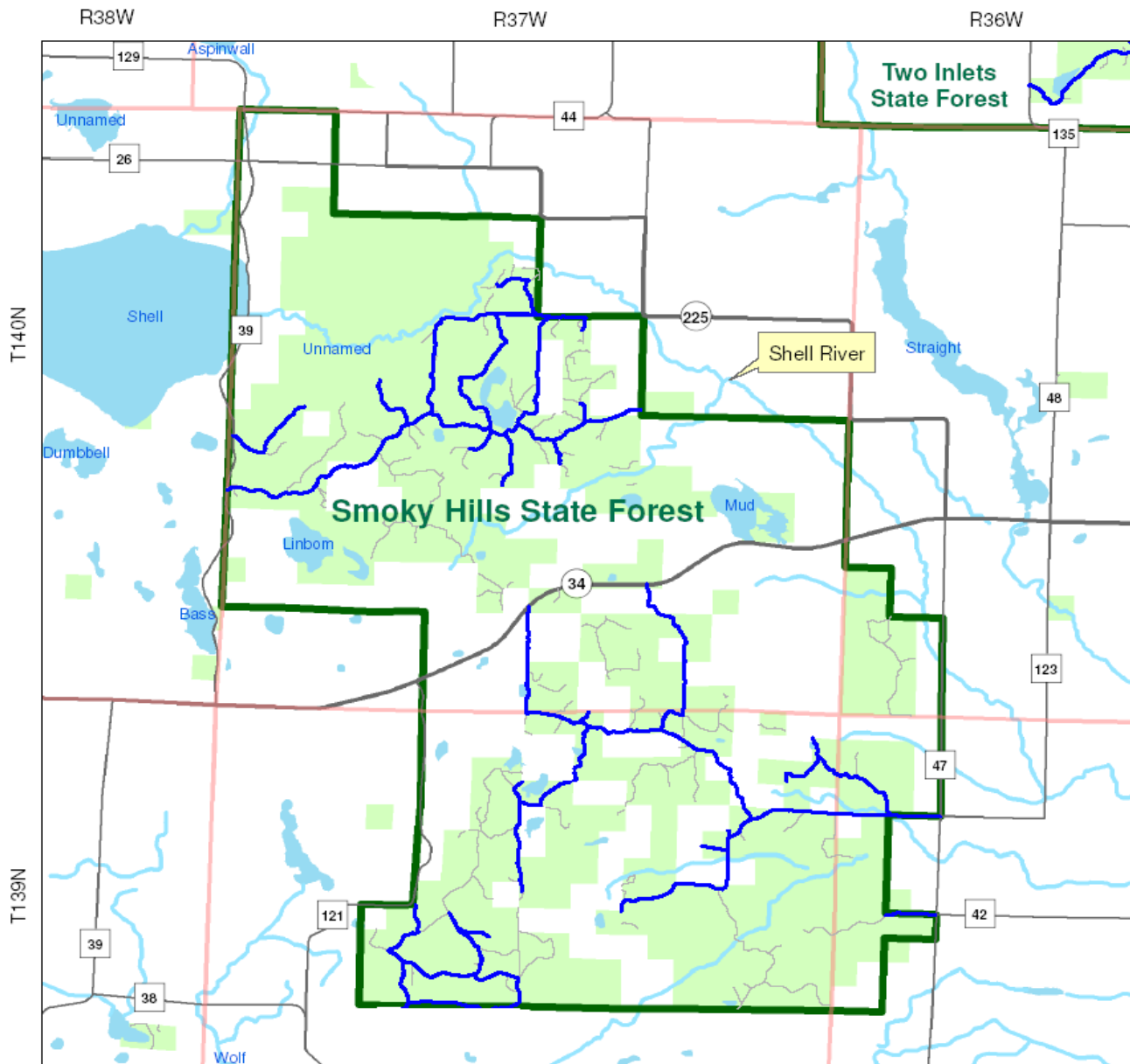
**NOW THEREFORE, IT IS ORDERED** that the forest roads identified in *Exhibit A*, attached hereto and incorporated herein, are hereby designated pursuant to authority vested in me by Minnesota law.

**IT IS FURTHER ORDERED** that the designation of the forest roads identified in *Exhibit A* shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

## Exhibit A: Forest Road Designation





# Commissioner's Orders

---

## Minnesota Department of Natural Resources

### Designation of Forest Trails in Smoky Hills State Forest in Becker County, Minnesota

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the designation of forest trails located within the Smoky Hills State Forest. These designations, pursuant to *Minnesota Statutes*, Section 89.19, Subd. 2, are for specified recreational purposes.

#### WHEREAS

1. *Minnesota Statutes*, Section 89.19, Subd. 2 authorizes the designation, and changes in designation, of forest trails by written order, specifying public notice and public meeting requirements that must be fulfilled prior to making such designations.
2. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.
3. The agency published its proposed motor use classification and forest road and trail designations in a draft plan in May 2007. The agency held public meetings and solicited and received written comments and submissions regarding the public's use of forest lands and roads and trails in Smoky Hills State Forest in Becker County, Minnesota.
4. All public and procedural requirements in *Minnesota Statutes*, and other applicable rules and legal requirements, have been fulfilled.
5. The forest trail designations are both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that the forest trails described below are hereby designated pursuant to authority vested in me by Minnesota law:

1. **All Terrain Vehicle (ATV) / Off-Highway Motorcycle (OHM) Trails** – The approximately 8.5 miles of trail depicted on the map labeled *Exhibit A*, attached hereto and incorporated herein, are designated as ATV/OHM Trails.
2. **Hunter Walking Trails** – The approximately 7.6 miles of trail depicted on the map labeled *Exhibit B*, attached hereto and incorporated herein, are designated Hunter Walking Trails.

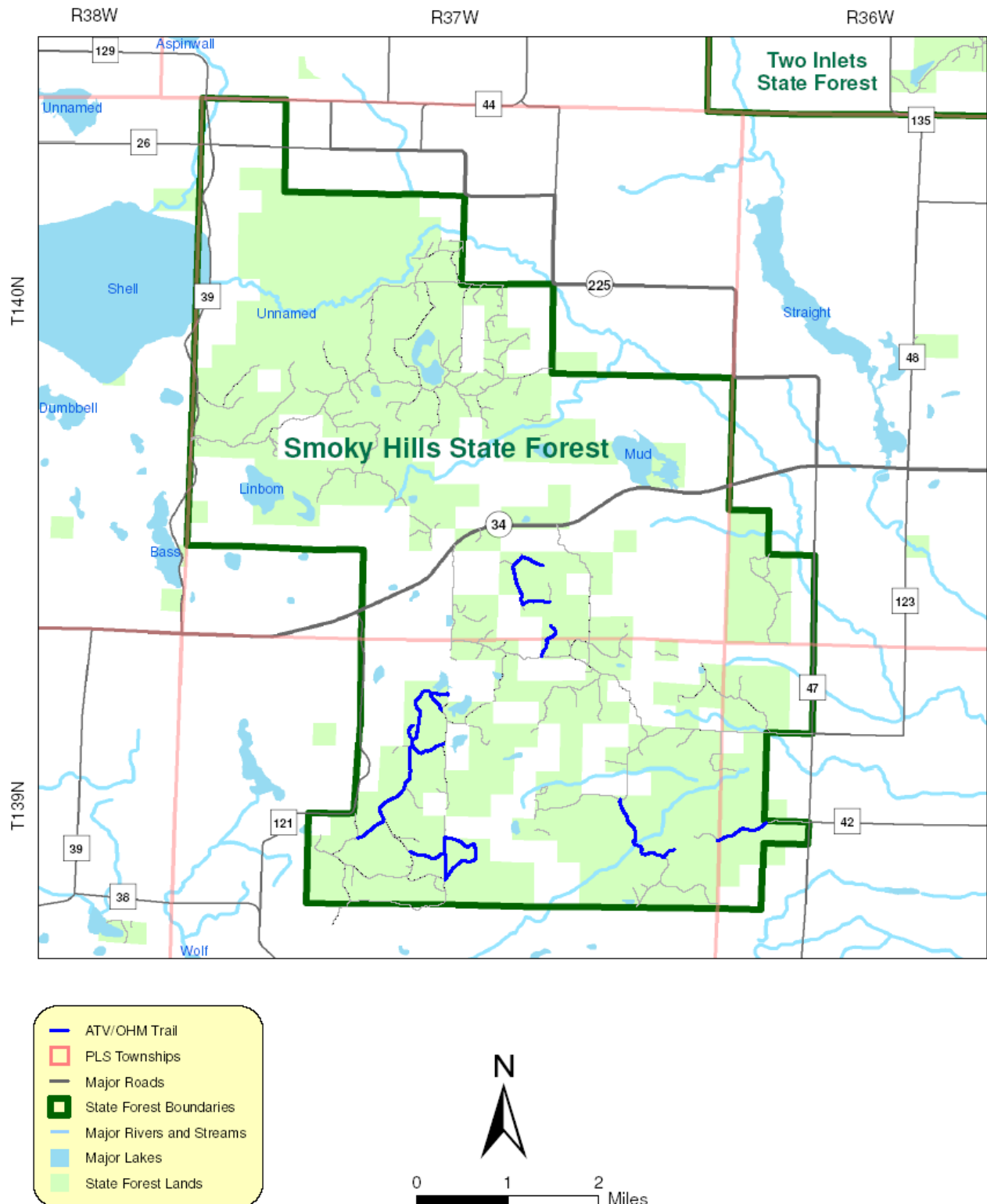
**IT IS FURTHER ORDERED** that the designation of the forest trails identified in *Exhibits A* and *B* shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

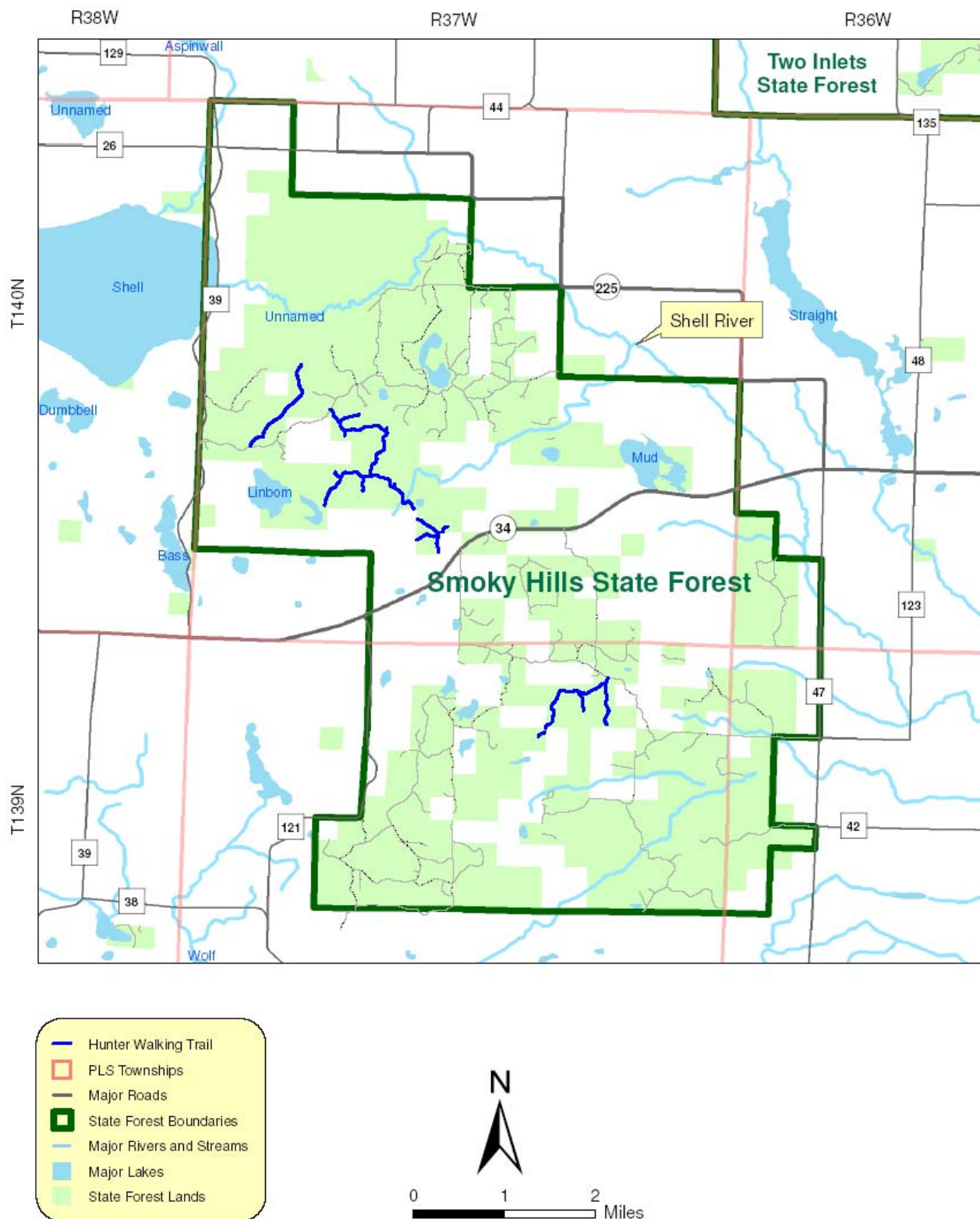
# Commissioner's Orders

## Exhibit A: All Terrain Vehicle / Off Highway Motorcycle (ATV/OHM) Trail Designation



# Commissioner's Orders

## Exhibit B: Hunter Walking Trail Designation



## Minnesota Department of Natural Resources

### Classification of the Two Inlets State Forest in Becker County, Minnesota with Respect to Motor Vehicle Use

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the classification of the Two Inlets State Forest as “limited” with respect to motor vehicle use. The classification of state forest lands with respect to motor vehicle use is pursuant to *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950.

The commissioner further orders that state forest lands as shown in **Exhibit A**, attached hereto and incorporated herein, be subject to limitations on off-trail and non-designated trail use pursuant to *Minnesota Statutes*, Section 84.926, Subd. 5.

#### WHEREAS

1. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.

2. The Department of Natural Resources published its proposed motor vehicle use classification and forest road and trail designations for state forest lands in Two Inlets State Forest in Becker County, Minnesota in a draft plan in May 2007.

3. All notice and procedural requirements in *Minnesota Statutes*, and other applicable laws and rules have been met.

4. The state forest classification is both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that approximately 13,968 acres of state forest land in the Two Inlets State Forest in Becker County, Minnesota be classified as “limited” with respect to motor vehicle use, pursuant to authority vested in me by Minnesota law.

**IT IS FURTHER ORDERED** that state forest lands within the area described below be designated as areas with limitations on off-trail and non-designated trail use pursuant to *Minnesota Statutes*, Section 84.926, Subd. 5. These areas are depicted in **Exhibit A**.

- State lands in T141N R36W and T141N R372 with the area described as being: north of 280<sup>th</sup> street, west of 520<sup>th</sup> Avenue, north of 285<sup>th</sup> Street, west of County Road 135, south of County Road 44, west of County Road 46, south of Basswood Trail, south of Unnamed Town Road, east of Basswood Lake Road, east of 500<sup>th</sup> Avenue, and east of County Road 44. This area includes all or parts of 17 sections of the two townships and consists of approximately 6,288 acres.

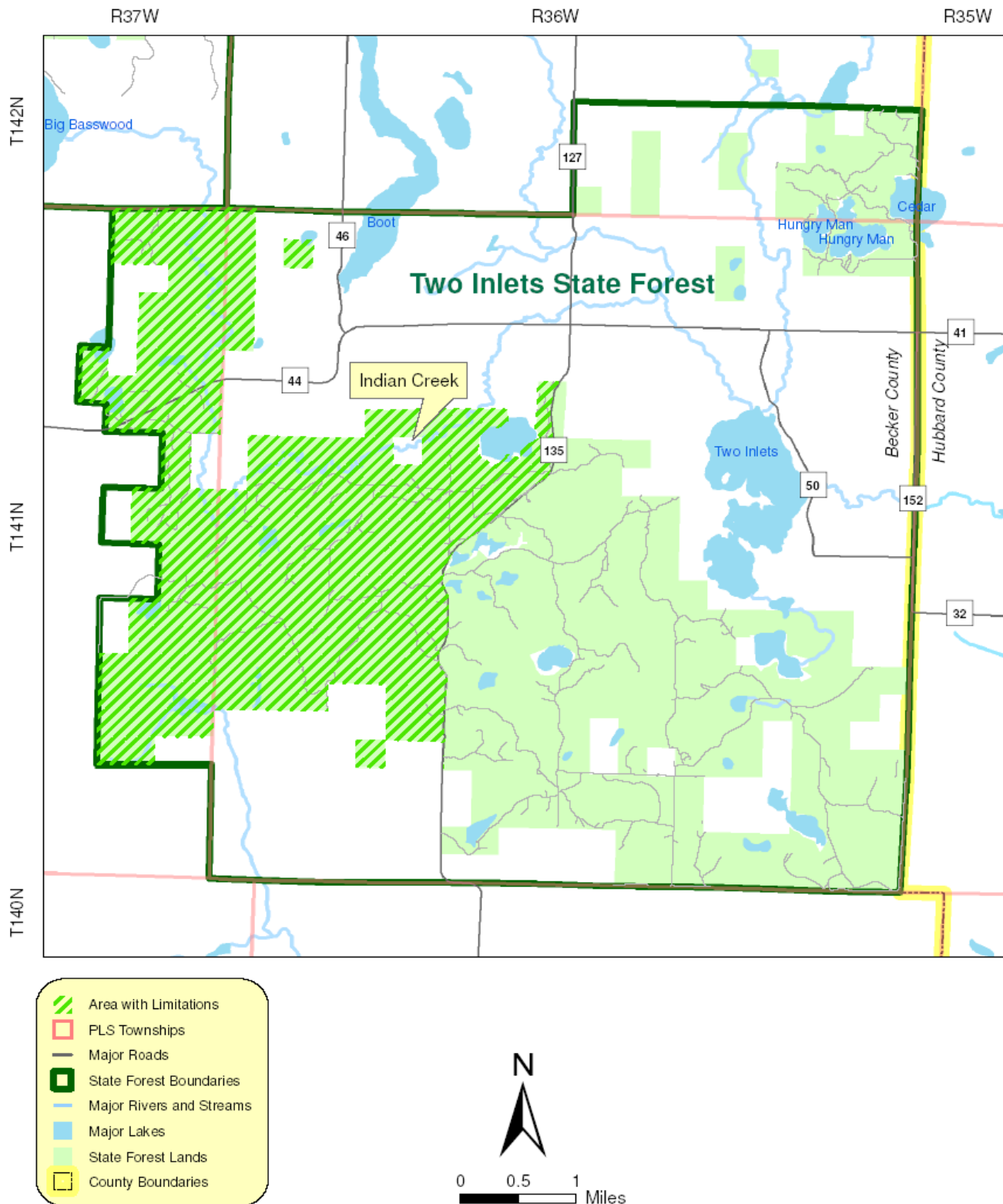
**IT IS FURTHER ORDERED** that the above motor vehicle use classification and areas with limitations on off-trail and non-designated trail use shall become effective on December 31, 2008.

Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

# Commissioner's Orders

Exhibit A: Area with Limitations on Off-trail and  
Non-designated Trail Use (MN Statutes 84.926, Subd. 5)



---

---

# Commissioner's Orders

## Minnesota Department of Natural Resources

### Designation of Forest Roads in Two Inlets State Forest in Becker County, Minnesota

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the designation of forest roads located within the Two Inlets State Forest. These designations are pursuant to *Minnesota Statutes*, Section 89.71, Subd. 1.

#### WHEREAS

1. *Minnesota Statutes*, Section 89.71, Subd. 1 provides that the commissioner may designate or undesignate forest roads by written order published in the *State Register*.

2. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.

3. The agency published its proposed motor use classification and forest road and trail designations in a draft plan in May 2007. The agency held public meetings and solicited and received written comments and submissions regarding the public's use of forest lands and roads and trails in Two Inlets State Forest in Becker County, Minnesota.

4. All public and procedural requirements in *Minnesota Statutes*, and other applicable rules and legal requirements, have been fulfilled.

5. The forest road designations are both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that the forest roads identified in *Exhibit A*, attached hereto and incorporated herein, are hereby designated pursuant to authority vested in me by Minnesota law.

**IT IS FURTHER ORDERED** that the designation of the forest roads identified in *Exhibit A* shall become effective on December 31, 2008.

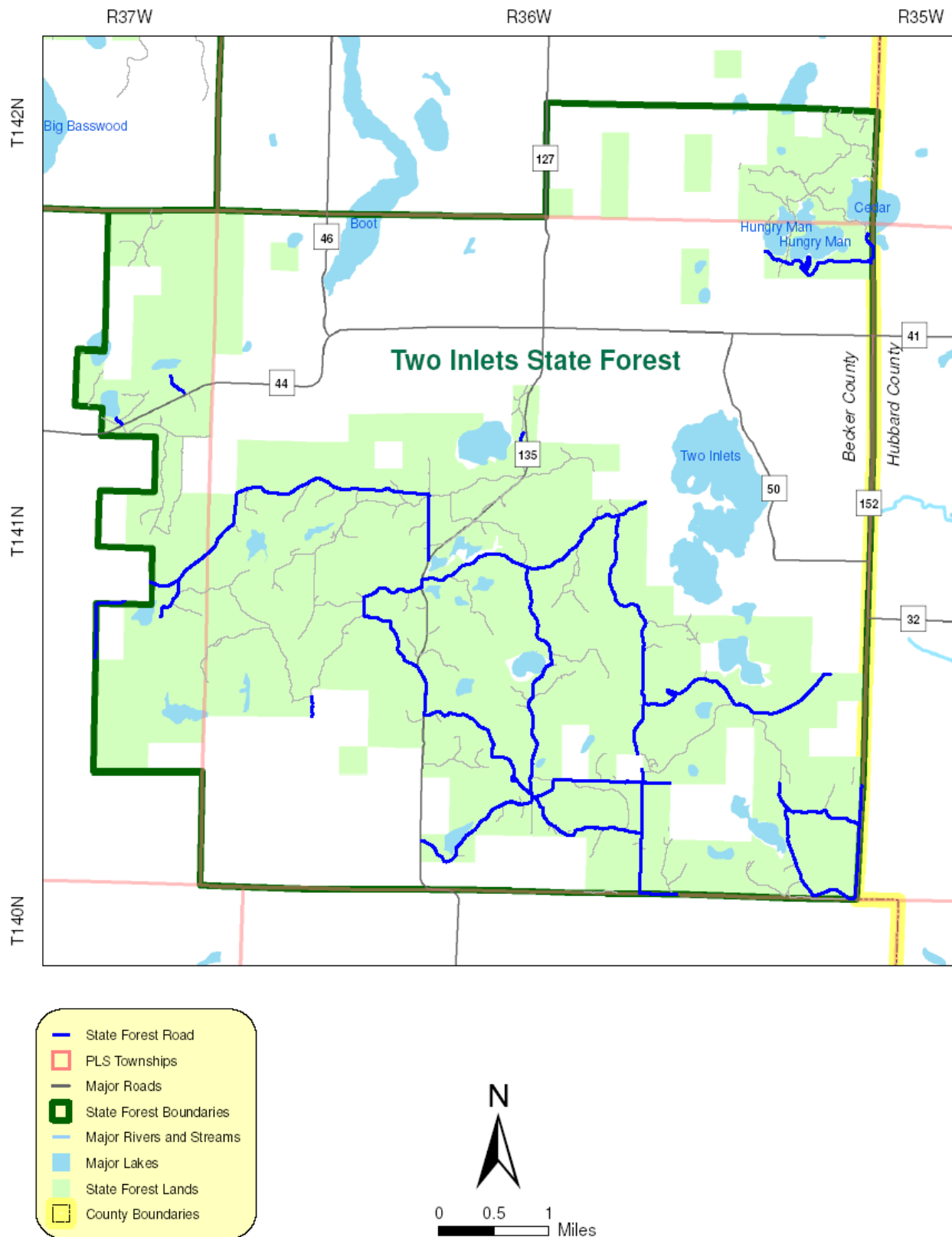
Dated: November 20, 2007

Mark Holsten, Commissioner  
Minnesota Department of Natural Resources



# Commissioner's Orders

## Exhibit A: Forest Road Designation



## Minnesota Department of Natural Resources

### Designation of Forest Trails in Two Inlets State Forest in Becker County, Minnesota

**NOTICE IS HEREBY GIVEN** that the Commissioner of Natural Resources orders the designation of forest trails located within the Two Inlets State Forest. These designations, pursuant to *Minnesota Statutes*, Section 89.19, Subd. 2, are for specified recreational purposes.

#### WHEREAS

1. *Minnesota Statutes*, Section 89.19, Subd. 2 authorizes the designation, and changes in designation, of forest trails by written order, specifying public notice and public meeting requirements that must be fulfilled prior to making such designations.

2. *Minnesota Laws 2003*, Chapter 128, Article 1, Section 167, (as amended in 2005 and 2007), and *Minnesota Rules* Chapter 6100.1950, require the Commissioner of Natural Resources to classify all state forest lands with respect to motor vehicle use.

3. The agency published its proposed motor use classification and forest road and trail designations in a draft plan in May 2007. The agency held public meetings and solicited and received written comments and submissions regarding the public's use of forest lands and roads and trails in Two Inlets State Forest in Becker County, Minnesota.

4. All public and procedural requirements in *Minnesota Statutes*, and other applicable rules and legal requirements, have been fulfilled.

5. The forest trail designations are both needed and reasonable.

**NOW THEREFORE, IT IS ORDERED** that the forest trails described below are hereby designated pursuant to authority vested in me by Minnesota law:

**1. All Terrain Vehicle (ATV) / Off-Highway Motorcycle (OHM) Trails** – The approximately 6.1 miles of trail depicted on the map labeled *Exhibit A*, attached hereto and incorporated herein, are designated as ATV/OHM Trails.

**2. Hunter Walking Trails** – The approximately 9.6 miles of trail depicted on the map labeled *Exhibit B*, attached hereto and incorporated herein, are designated Hunter Walking Trails.

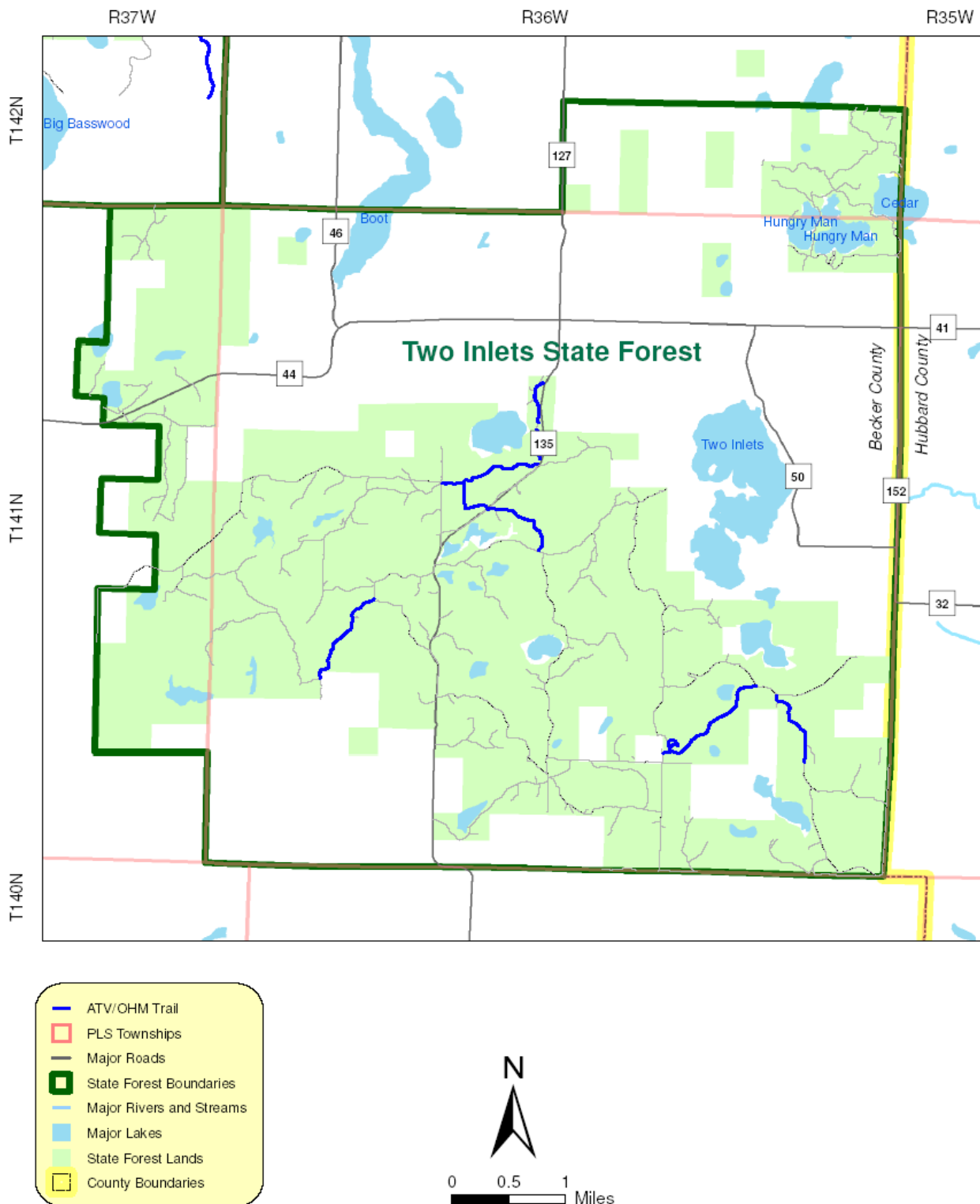
**IT IS FURTHER ORDERED** that the designation of the forest trails identified in *Exhibits A* and *B* shall become effective on December 31, 2008.

Dated: November 20, 2007

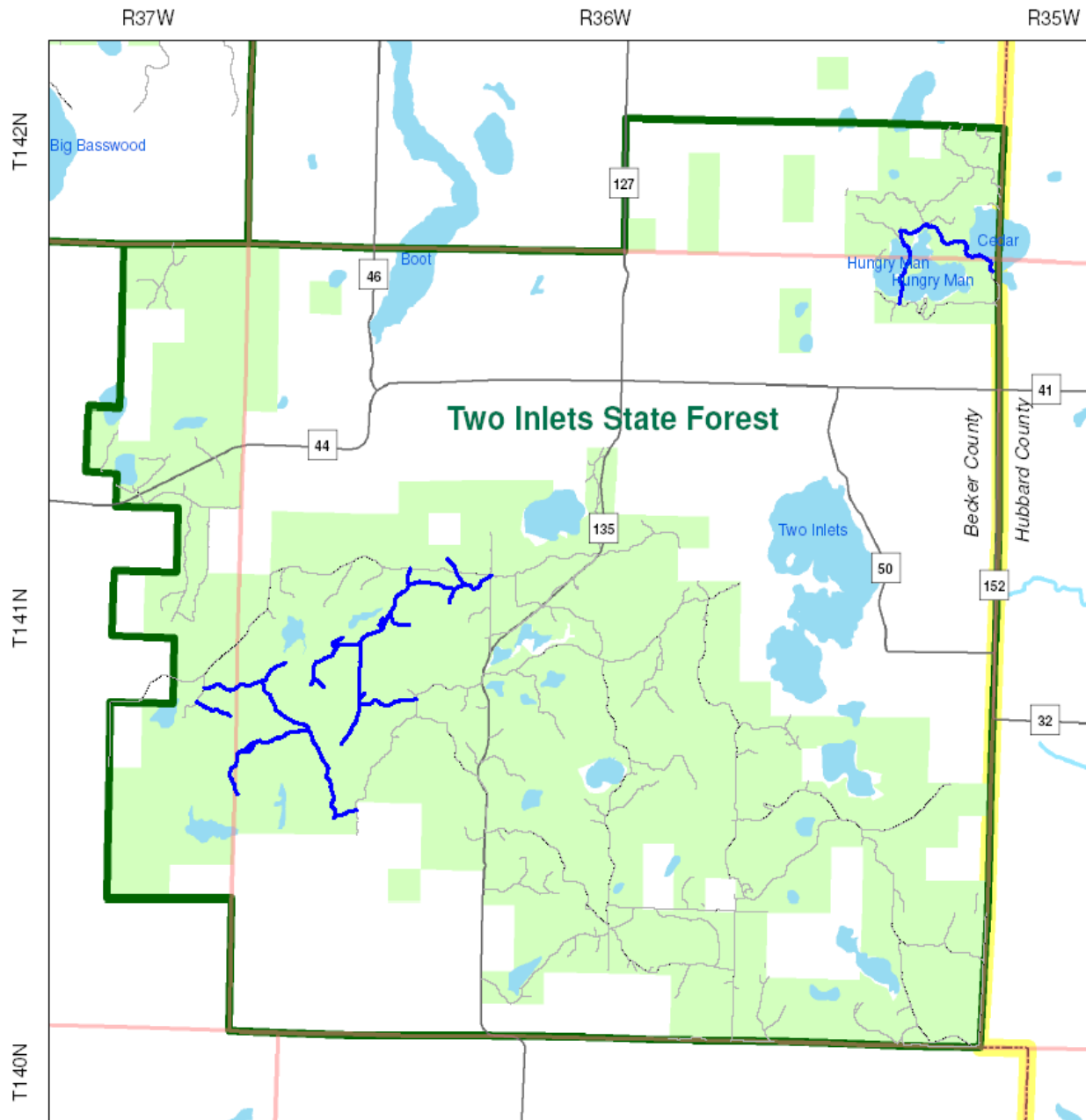
Mark Holsten, Commissioner  
Minnesota Department of Natural Resources

# Commissioners' Orders

## Exhibit A: All Terrain Vehicle / Off Highway Motorcycle (ATV/OHM) Designation



## Exhibit B: Hunter Walking Trail Designation



# Official Notices

Pursuant to *Minnesota Statutes* §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

The *State Register* also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

## Help with Official Notices

The person listed as the contact for each agency is the one you want to connect with. They give you all the information you need.

You will also quickly find what you need when you SUBSCRIBE and use our LINKS. You receive MORE with a subscription to the *State Register*. Open the *State Register* and click on Bookmarks in the upper right corner. You also receive ALL the current rules, with an INDEX, and previous years' indices. And you receive a summarized "Contracts & Grants" section of Bids still open. Subscriptions cost \$180 a year (an \$80 savings). Here's what you'll get:

- WORD SEARCH Capability
- LINKS, LINKS, LINKS
- E-mailed to you . . . its so easy
- Early delivery, on Friday
- "Contracts & Grants" Open for Bid
- Updates to Index to Vol. 31
- Indexes to Vols. 30, 29, 28 and 27
- Easy Access to *State Register* Archives

It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** [cathy.hoekstra@state.mn.us](mailto:cathy.hoekstra@state.mn.us)

## Department of Administration

### Information Policy Analysis Division

#### Notice of Intent to Consider Application for Temporary Classification of Data for Statewide Applicability

**NOTICE HEREBY IS GIVEN** that the Commissioner of Administration has received an application for temporary classification related to certain home contact data. The application was submitted by the Minnesota Pollution Control Agency. The Commissioner has determined that it is advisable to consider the application for statewide applicability under her authority in *Minnesota Statutes*, section 13.06, subdivision 4. The Commissioner hereby gives notice of her intent to approve or disapprove, for the use of all government entities in the State of Minnesota, the classification of "private data on individuals" for the following: home contact data of applicants for appointment or appointees for volunteer positions in state or local government that are not filled pursuant to the process established in *Minnesota Statutes*, Chapter 15. Home contact data include home addresses, private telephone numbers, and private email addresses other than designated contact information.

Any government entity, public or private association, or member of the public who wishes to submit comments on this application must do so within 30 days of the publication of this notice. Comments received after 30 days need not be considered by the Commissioner.

Comments should be submitted to:  
Commissioner of Administration  
c/o Information Policy Analysis Division  
201 Administration Building  
50 Sherburne Avenue  
St. Paul, MN 55155  
**Fax:** (651) 205-4219  
**E-mail:** [info.ipad@state.mn.us](mailto:info.ipad@state.mn.us)

The application is available in electronic format at [www.ipad.state.mn.us/tempclass.html](http://www.ipad.state.mn.us/tempclass.html) and may be printed from that site. If you do not have access to the internet and you need a copy of the application, contact the Information Policy Analysis Division at the above address, or call (651) 296-6733 or 1-800-657-3721.

**Minnesota Department of Health****Division of Health Promotion and Chronic Disease****REQUEST FOR COMMENTS on Possible Amendment to Rules Governing the  
Minnesota Cancer Surveillance System, *Minnesota Rules* § 4606.3300-4606.3309**

**Subject of Rules.** The Minnesota Department of Health requests comments on its possible amendments to rules governing the Minnesota Cancer Surveillance System (MCSS). These amendments would (a) make Minnesota cancer data more compatible with cancer data from other areas of the United States and the world by including information on cases that are not microscopically confirmed; (b) enable MCSS to keep its list of required data items in synch with national standards by changing how MDH provides notice to providers about the information required with each report of cancer; (c) enable MDH to do survival analyses and learn more about the late effects of cancer by requiring that providers report available follow-up information on cancer patients to MDH; (d) allow longer-term survivors of cancer to participate in studies by specifying additional conditions under which they may be approached without physician consent; (e) clarify that no *in situ* carcinomas of the uterine cervix are defined as “cancer;” and (f) require that reporting entities collect and report occupational and residential histories of all cancer patients.

**Persons Affected.** The amendments would directly affect health care providers who treat or diagnose cancer patients, hospitals that do not have an in-house cancer registry, employees in pathology laboratories, cancer registries within hospitals, and vendors (mostly located outside of Minnesota) who provide tumor registry software to hospital-based cancer registries. Cancer survivors might be affected by being given the opportunity to participate in studies of the long-term effects of cancer. More indirectly, the amendments would affect some health economists, epidemiologists and others who do research in cancer control. Also indirectly affected, would be cancer patients who will benefit as we increase our knowledge of cancer.

**Statutory Authority.** *Minnesota Statutes*, Section 144.672, Subdivision 1, requires the Department to “adopt rules to administer the system, collect information, and distribute data....” *2007 Minnesota Session Laws* Chapter 147, Article 19, Section 4, Subdivision 6 says, “Disease Surveillance. Of the state government special revenue fund appropriation, \$2,000,000 the first year is for redesigning and implementing coordinated and modern disease surveillance systems for the department, and for modifying the Minnesota Cancer Surveillance database and communicating with providers to include occupational and residential histories. This is a onetime appropriation.”

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on Monday, March 31, 2008. The Department contemplates appointing an advisory committee to comment on the portion of the possible rules that deal with the requirement for physicians and facilities to collect and report information on the occupational and residential histories of all cancer patients. Two meetings of the work group are planned, in February and March 2008. To volunteer to serve on this committee, please contact the agency contact person at the address below.

**Rules Drafts.** The Department has not yet prepared a draft of the possible amendments.

**Agency Contact Person.** Written comments, questions, requests to receive a draft of the amendments when it has been prepared, and requests for more information on these possible amendments should be directed to: Sally Bushhouse, Minnesota Department of Health, P.O. Box 64882, St. Paul, MN 55164-0882; **Fax:** (651) 201-5926; or **e-mail:** [sally.bushhouse@state.mn.us](mailto:sally.bushhouse@state.mn.us) . **TTY** users may call the Department at (651) 201-5797.

**Alternative Format.** Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: December 18, 2007

Sanne Magnan, M.D., Commissioner  
Department of Health



# Official Notices

---

## Department of Human Services Notice of Outreach Incentive Program

The Minnesota Department of Human Services wants to partner with a variety of community agencies through a new outreach program. This new program, called the MN Community Application Agent (MNCAA) Program, provides an incentive for community agencies willing to assist uninsured Minnesotans with the Minnesota Health Care Program application process. As stated in *Minnesota Statutes* §256.962 Subd. 5, the financial bonus will be contingent upon successful enrollment in Medical Assistance, General Assistance Medical Care or MinnesotaCare. A MNCAA will earn \$20 for each successfully enrolled applicant. Beyond the \$20 bonus, sites enrolled in the MNCAA program will have access to new tools and resources. DHS will offer outreach materials and application supplies to enrolled sites along with training, technical support and designated liaisons.

Organizations interested in enrolling in the incentive program should have ongoing contact with an uninsured population. All organizations interested in the MNCAA program can submit a letter of interest. All letters should be submitted on the agency letterhead and signed by the CEO, Executive Director or President. Letters should be no longer than 3 pages. There is no deadline for the submission of a letter of interest; all letters are received on a rolling basis and will be considered at any time. Letters should identify the primary contact and include contact information as well as answer the following questions:

1. Is the organization for-profit or not-for-profit?
2. What kind of organization is it? (ex. Hospital, School, WIC, Provider, etc.)
3. Explain the mission of your organization and how application assistance is part of or complements your mission
4. Describe the population(s) your agency serves
5. Estimate the number of uninsured clients you encounter
6. Briefly describe the process, if any, used to identify uninsured clients in your agency
7. Briefly disclose any other State and/or Federal funds your agency receives specifically for application assistance

All letters should be submitted via mail or fax to:

Sarah Kelsea, Outreach Strategic Planner  
Department of Human Services  
Health Care Eligibility and Access  
PO Box 64989  
St. Paul, MN 55164-0989  
**Phone:** (651) 431-4935  
**Fax:** (651) 431-7423  
**E-mail:** [sarah.l.kelsea@state.mn.us](mailto:sarah.l.kelsea@state.mn.us)

## Land Exchange Board Meeting of the Board January 9, 2008

The Land Exchange Board will meet on Wednesday, January 9, 2005 at 9:30 A.M. in Room 123, State Capitol, St. Paul, MN.

## Department of Labor and Industry Labor Standards Unit

### Notice of Additional Rate to Highway/Heavy Prevailing Wage Rates for Lineman in Region 1

An additional rate has been added to the Highway/Heavy Prevailing Wage Rates certified 10/22/07, for **Labor Code 313, Lineman**, in Region 1.

Copies may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road

North, St. Paul, Minnesota 55155-4306, or by calling (651) 284-5091, or accessing our web site at [www.doli.state.mn.us](http://www.doli.state.mn.us). Charges for the cost of copying and mailing are \$.25 per page for the first 100 pages, \$.65 per page after that. Make check or money order payable to the State of Minnesota.

Steve Sviggum, Commissioner  
Department of Labor and Industry

## **Department of Labor and Industry Labor Standards Unit**

### **Notice of Determination of Truck Rental Rates and Notice of Informal Conference Pursuant to *Minnesota Rules*, Part 5200.1105**

On December 24, 2007 the commissioner determined the operating costs and the minimum truck rental rates for highway projects in the state's ten highway and heavy construction areas for trucks and drivers operating "four or more axle units, straight body trucks," "three axle units," "tractor only," and "tractor trailers."

The operating costs were determined by survey on a statewide basis. The operating cost for "four or more axle units, straight body trucks" is determined to be \$ 46.87 per hour. The operating cost for "three axle units" is determined to be \$ 35.49 per hour. The operating cost for "tractor only" is determined to be \$ 41.72 per hour. The operating cost for "trailer only" is determined to be \$11.46 per hour. The operating cost for "tractor trailers" is determined to be \$ 53.18 per hour.

Adding the prevailing wage for drivers of these four types of trucks from each of the state's ten highway and heavy construction areas to the operating costs, the minimum hourly truck rental rate for the four types of trucks in each area is determined to be as follows:

|                  | <b>Tractor trailer</b> | <b>Four or more axle</b> | <b>Three axle</b> | <b>Tractor only</b> |
|------------------|------------------------|--------------------------|-------------------|---------------------|
| <b>Region 1</b>  | \$82.83                | \$76.34                  | \$68.84           | \$71.37             |
| May 1, 2008      |                        |                          | \$70.44           |                     |
| <b>Region 2</b>  | \$82.75                | \$75.93                  | \$59.49           | \$71.29             |
| May 1, 2008      | \$83.90                | \$77.08                  |                   | \$72.44             |
| <b>Region 3</b>  | \$75.55                | \$68.61                  | \$57.86           | \$64.09             |
| <b>Region 4</b>  | \$73.60                | \$66.78                  | \$55.40           | \$62.14             |
| <b>Region 5</b>  | \$88.53                | \$73.12                  | \$68.44           | \$77.07             |
| May 1, 2008      | \$90.13                |                          |                   | \$78.67             |
| <b>Region 6</b>  | \$86.33                | \$60.62                  | \$67.99           | \$74.87             |
| May 1, 2008      | \$87.93                |                          | \$69.59           | \$76.47             |
| <b>Region 7</b>  | \$82.75                | \$75.93                  | \$64.40           | \$71.29             |
| May 1, 2008      | \$83.90                | \$77.08                  | \$65.55           | \$72.44             |
| <b>Region 8</b>  | \$72.68                | \$68.46                  | \$58.98           | \$61.22             |
| <b>Region 9</b>  | \$88.53                | \$81.67                  | \$70.19           | \$77.07             |
| May 1, 2008      | \$90.13                | \$83.27                  | \$71.79           | \$78.67             |
| <b>Region 10</b> | \$78.28                | \$75.93                  | \$64.40           | \$66.82             |
| May 1, 2008      |                        | \$77.08                  | \$65.55           |                     |

The operating costs and truck rental rates may also be reviewed by accessing the department's web site at [www.doli.state.mn.us](http://www.doli.state.mn.us). Questions regarding the truck rental rates or the informal conference noticed below can be answered by calling (651) 284-5091.

**PLEASE TAKE NOTICE** that on Wednesday, January 16, 2008 from 1:00 PM until 3:00 PM, in the Minnesota Room, at the Minnesota Department of Labor and Industry, 443 Lafayette Rd. No., St. Paul, Minnesota, 55155, the department will hold the informal conference pursuant to *Minnesota Rules*, part 5200.1105. The informal conference is a public meeting and its purpose is to receive further input prior to the certification and publication of the minimum truck rental rates for these four types of trucks on highway and heavy construction projects. The data, summary sheets and other documents used in making the determinations will be reviewed and available for inspection at the informal conference.

# Official Notices

---

Subsequent to the informal conference the minimum truck rental rates for these four types of trucks will be certified and notice of the certification will be published in the *State Register*.

The minimum truck rental rate for these four types of trucks in the state's ten highway and heavy construction areas will be effective for all highway and heavy construction projects financed in whole or part with state funds advertised for bid on or after the day the notice of certification is published in the *State Register*.

Dated: December 24, 2007

Steve Sviggum, Commissioner  
Department Labor and Industry

## Minnesota Pollution Control Agency Regional Division

### Notice of Availability of Draft Fecal Coliform and Turbidity TMDL Assessment for Rock River and Request for Comment

**Public Comment Period Begins: December 31, 2007**

**Public Comment Period Ends: January 31, 2008**

The Minnesota Pollution Control Agency (MPCA) is requesting comments on the Fecal Coliform and Turbidity Total Maximum Daily Load (TMDL) Assessment for the Rock River watershed. The aquatic life use and aquatic recreation use of the Rock River watershed is impaired because it does not meet state water quality standards for turbidity and fecal coliform. The draft TMDL Report is available for review at: <http://www.pca.state.mn.us/water/tmdl/project-rockriver.html>

Written comments on the draft TMDL Report must be sent to the MPCA contact person listed below by January 31, 2008, by 4:30 pm. The MPCA will prepare responses to comments received, make any necessary revisions of the draft TMDL Report and submit it to the U.S. Environmental Protection Agency (EPA) for approval.

In 1994, the MPCA determined the Rock River, from south of Luverne to Minnesota/Iowa border was impaired for fecal coliform. In 2002, the MPCA further listed this reach as impaired for turbidity. In 2006, a reach on the Rock River and a reach on Elk Creek were also listed as impaired for turbidity. Thus, the report provides TMDL assessments for one fecal coliform and three turbidity impaired reaches.

Fecal coliform levels in the Rock River exceeded water quality standards during the months of August and September. To meet water quality standards, fecal coliform levels will need to be decreased up to 60 percent during these months. The highest levels were found during and after storm runoff. Concentrations of fecal coliform bacteria were an average of ten times higher during storm runoff than during dry periods.

Turbidity was the most excessive in Rock River following storm runoff and high flow periods. During high flow periods, reductions of up to 68 percent will be required to meet turbidity standards. Turbidity levels during mid-range and low flows are at or near the water quality standard.

There has been a strong local component including local, state, and federal agency representation involved with completing this TMDL. These local efforts will proceed with determining further implementation strategies and obtaining public input. The draft TMDL report outlines possible strategies.

There will be two public meetings on Thursday, January 24, 2008 at Edgerton and Luverne. The Edgerton meeting will be at the ambulance garage, 1000 S. Main, starting with an informal open house at 2:30 p.m. followed by a presentation at 3 p.m. The Luverne meeting will be at the Rock County Family Services building, 2 Roundwind Road, with an open house at 6:30 p.m. and presentation at 7 p.m.

**Agency Contact Person:** Written comments and requests for more information should be directed to:  
Kelli Daberkow

Minnesota Pollution Control Agency  
1420 East College Drive, Suite 900  
Marshall, Minnesota 56258  
**Phone:** (507) 537-6497 (direct)  
**MN Toll Free:** 1-800-657-3864  
**Fax:** (507) 537-6001  
**E-mail:** [Kelli.Daberkow@pca.state.mn.us](mailto:Kelli.Daberkow@pca.state.mn.us)  
**TTY** users may call the MPCA teletypewriter at (651) 282-5332 or 1-800-657-3864.

**Preliminary Determination on the draft TMDL Report:** The MPCA Commissioner has made a preliminary determination to submit this TMDL Report to the EPA for final approval. A draft TMDL Report and fact sheet are available for review at the MPCA office at the address listed below and at the MPCA Website: <http://www.pca.state.mn.us/water/tmdl/project-rockriver.html> Suggested changes will be considered before the final TMDL Report is sent to the EPA for approval.

**Written Comments:** You may submit written comments on the conditions of the draft TMDL Report or on the Commissioner's preliminary determination.

Written comments must include the following:

1. A statement of your interest in the draft TMDL Report;
2. A statement of the action you wish the MPCA to take, including specific references to sections of the draft TMDL that you believe should be changed; and
3. The reasons supporting your position, stated with sufficient specificity as to allow the Commissioner to investigate the merits of your position.

**Petition for Public Informational Meeting:** You also may request that the MPCA Commissioner hold a public informational meeting. A public informational meeting is an informal meeting that the MPCA may hold to solicit public comment and statements on matters before the MPCA, and to help clarify and resolve issues.

A petition requesting a public informational meeting must include the following information:

1. A statement identifying the matter of concern;
2. The information required under items 1 through 3 of "Written Comments," identified above;
3. A statement of the reasons the MPCA should hold a public informational meeting; and
4. The issues that you would like the MPCA to address at the public informational meeting.

**Petition for Contested Case Hearing:** You also may submit a petition for a contested case hearing. A contested case hearing is a formal evidentiary hearing before an administrative law judge. In accordance with *Minnesota Rules* 7000.1900, the MPCA will grant a petition to hold a contested case hearing if it finds that: (1) there is a material issue of fact in dispute concerning the application or draft TMDL Report; (2) the MPCA has the jurisdiction to make a determination on the disputed material issue of fact; and (3) there is a reasonable basis underlying the disputed material issue of fact or facts such that the holding of the contested case hearing would allow the introduction of information that would aid the MPCA in resolving the disputed facts in making a final decision on the draft TMDL Report. A material issue of fact means a fact question, as distinguished from a policy question, whose resolution could have a direct bearing on a final MPCA decision.

A petition for a contested case hearing must include the following information:

1. A statement of reasons or proposed findings supporting the MPCA decision to hold a contested case hearing according to the criteria in *Minnesota Rules* 7000.1900, as discussed above; and
2. A statement of the issues proposed to be addressed by a contested case hearing and the specific relief requested or resolution of the matter.

In addition and to the extent known, a petition for a contested case hearing should also include the following information:

1. A proposed list of prospective witnesses to be called, including experts, with a brief description of proposed testimony or summary of evidence to be presented at a contested case hearing;
2. A proposed list of publications, references, or studies to be introduced and relied upon at a contested case hearing; and
3. An estimate of time required for you to present the matter at a contested case hearing.

# Official Notices

---

**MPCA Decision:** You may submit a petition to the Commissioner requesting that the MPCA Citizens' Board consider the TMDL Report approval. To be considered timely, the petition must be received by the MPCA by 4:30 p.m. on the date the public comment period ends, identified on page 1 of this notice. Under the provisions of *Minnesota Statutes* § 116.02, subd 6(4), the decision whether to submit the TMDL Report and, if so, under what terms will be presented to the Board for decision if: (1) the Commissioner grants the petition requesting the matter be presented to the Board; (2) one or more Board members request to hear the matter before the time the Commissioner makes a final decision on the TMDL Report; or (3) a timely request for a contested case hearing is pending. You may participate in the activities of the MPCA Board as provided in *Minnesota Rules* 7000.0650.

The written comments, requests, and petitions submitted on or before the last day of the public comment period will be considered in the final decision on this TMDL Report. If the MPCA does not receive written comments, requests, or petitions during the public comment period, MPCA staff as authorized by the Board, will make the final decision on the draft TMDL Report.

## Minnesota Public Utilities Commission REQUEST FOR COMMENTS on Possible Amendments to Rules Governing *Ex Parte* Communications, *Minnesota Rules* Chapter 7845, Docket No. U-999-R-07-887

**Subject of Rules.** The Minnesota Public Utilities Commission requests comments on possible amendments to its rules governing *ex parte* communications. The Commission is considering rule amendments that would conform the rule to statutory changes. The amendments would extend *ex parte* restrictions to participants, add an investigatory process for complaints, and remove duplicative language.

**Persons Affected.** The proposed rule amendments would likely affect the following:

- Any public utility or telecommunications services provider who appears before the Commission as a party or participant in a pending case or proceeding.
- A municipal utility or electric cooperative if appearing before the Commission as a party or participant in a pending case or proceeding.
- Commissioners who are involved in hearing a pending case or proceeding.
- Any member of the public who becomes involved in a pending case or proceeding through which a person becomes a party or a participant.
- Any member of any organization or any other person who, for any reason, becomes a party or participant in a pending case or proceeding.
- The Office of Administrative Hearings in handling the investigation and issuing findings and recommendations on sanctions.
- The Commission in making the final determination on sanctions.
- Agencies or other persons affected by a pending case or proceeding that is subject to the outcome of a complaint.

**Statutory Authority.** *Minnesota Statutes*, § 216A.037, subd. 1, authorizes the Commission to adopt rules governing *ex parte* communications. Recent changes made to *Minnesota Statutes* § 216A.037 make it necessary for the Commission to conform its rules to these changes. Prior to 2007, the statute applied *ex parte* restrictions only to participants and Commissioners. The statute was amended during the 2007 legislative session to extend *ex parte* restrictions to parties, and the proposed amended rules apply the restrictions to Commissioners, parties and participants, consistent with the new statutory language. This statute was also amended to include a special investigatory process for *ex parte* complaints, a process that is now being added to the rules. And finally, this rulemaking includes housekeeping items that remove duplicative language.

**Public Comment.** Interested persons or groups may submit comments or information on these possible amendments in writing or orally until 4:30 p.m. on February 4, 2008. All communications in the matter should include a reference to docket number **U-999-R-07-887**. The Commission does not contemplate appointing an advisory committee to comment on the amended rules because they are non-controversial and are in conformance with recent statutory changes.

**Rules Draft.** The Commission has prepared a draft of the possible amendments; that draft is set forth below.

**Agency Contact Person.** Written or oral comments, questions and requests for more information on the amended rules should be

addressed to:

Kate Kahlert, Commission Attorney  
Public Utilities Commission  
121 Seventh Place East, Suite 350  
St. Paul, MN 55101-2147  
**Phone:** (651) 201-2239  
**Fax:** (651) 297-7073  
Minnesota Relay Service: (800) 627-3529  
**E-mail:** [kate.kahlert@state.mn.us](mailto:kate.kahlert@state.mn.us)

**Alternative Format.** Upon request, this Request for Comments can be made available in alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the Commission contact person at the address or telephone number listed above.

**NOTE:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt the amended rules is started. The Commission is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

**Working Draft.** The Commission's current working draft of the amended rules is set forth below.

#### **7845.7000 DEFINITIONS.**

Subp. 4. **Ex parte communication.** "Ex parte communication" means an oral or written, off-the-record communication made between a to or by commissioners or commission decision-making personnel, and a party or a participant without notice to other parties or participants, that is directed to the merits or outcome of an on-the-record proceeding. This term does not include procedural, scheduling, and status inquiries or other inquiries or requests for information that have no bearing on the merits or the outcome of the proceeding.

Subp. 7. **Participant.** "Participant" means a person who files comments or appears in a proceeding, other than public hearings held in contested cases and other commission proceedings conducted to receive general public comments, to present views without becoming a party.

#### **7845.7200 PROHIBITED EX PARTE COMMUNICATIONS.**

Subpart 1. **Communications with commissioners.** An ex parte communication, either direct or indirect, must not be made or attempted to be made between a commissioner and a party or a participant concerning:

A. a material issue during a pending contested case proceeding, from the date the matter is referred to the Office of Administrative Hearings until the commission issues its final order and the time to petition for reconsideration expires, or until the commission issues a final order responding to the petition for reconsideration, whichever is later;

B. a material issue in a rulemaking proceeding after the beginning of commission deliberations, from the date the commission posts notice of its deliberations for adoption of rules on the open meeting calendar until the order adopting the rules is issued;

C. a material issue in a disputed formal petition; or

D. other communications prohibited by law, ~~such as:~~

~~(1) offers of employment to commissioners, as described in Minnesota Statutes, section 216A.036, and in parts 7845.0700 and 7845.0800;~~

~~(2) discussions with commissioners concerning past or future benefits or compensation, as described in Minnesota Statutes, section 216A.037, subdivision 2, and in parts 7845.0700 and 7845.0800; or (3) offers to commissioners of compensation, gifts, gratuities, favors, entertainment, meals, beverages, loans, or other things of monetary value, as described in part 7845.0700.~~

#### **7845.7300 HANDLING PROHIBITED EX PARTE COMMUNICATIONS.**

Subp. 2. **Oral communication.** If a party or participant makes or attempts to make a prohibited oral ex parte communication to a commissioner, the commissioner shall advise the party or participant who makes or attempts to make the communication that the communication is prohibited and shall immediately terminate the communication. If a prohibited oral ex parte communication takes place, the commissioner who receives the communication shall forward to the commission's executive secretary, within 48 hours, a signed and dated statement that includes the following information:

A. the name and docket number of the proceeding;

B. to the extent known, the name and address of the person making the communication and the relationship, if any, to the parties to



# Official Notices

---

or the participants in the proceeding;

C. the date and time of the communication, its duration, and the means by and circumstances under which it was made;

D. a summary of the matters discussed; and

E. whether the party or participant making the prohibited communication persisted after being advised that the communication was prohibited.

Subp. 3. **Notice to parties and participants.** The commission's executive secretary shall place the statement in the commission's public file within 48 hours, but shall not make the statement part of the record of the pending proceeding. The executive secretary shall serve a copy of the statement on the parties and participants on the commission's official service list. If the statement is voluminous, the executive secretary may serve notice to the parties and participants on the official service list that the statement is available for public inspection at the commission's offices during regular business hours.

## **7845.7400 HANDLING PERMISSIBLE EX PARTE COMMUNICATIONS.**

Subp. 4. **Interim rate proceedings; compliance filings.** Commissioners and decision-making personnel may receive or generate written or oral ex parte communications with a party or participant in the setting of interim rates or the review of compliance filings following the issuance of a final order or order after reconsideration. Commissioners and decision-making personnel who receive or generate written or oral ex parte communications in these situations shall place a signed note in the commission's public file containing the name of the party or participant, date, docket number of proceeding, and topic as soon as practicable, but no later than the issuance of the interim rate order or the compliance filing order.

## **7845.7500 SANCTIONS**

~~Subject to notice and hearing, a party who makes a prohibited ex parte communication to a commissioner or who encourages or solicits others to make a prohibited ex parte communication to a commissioner is subject to the following sanctions:~~

~~A. dismissal of the proceeding if the prohibited ex parte communication has so prejudiced the proceeding that the commission cannot consider it impartially;~~

~~B. an adverse ruling on a pending issue that is the subject of the prohibited ex parte communication, when other parties are prejudiced by the prohibited ex parte communication;~~

~~C. the striking of evidence or pleadings when the evidence or pleadings are tainted by the prohibited ex parte communication; or~~

~~D. a public statement of censure by the commission; when the prohibited ex parte communication is determined to be part of a continuing pattern of improper ex parte communication or when a single prohibited communication takes place and mitigating circumstances exist that:~~

- ~~(1) negate the need for a more severe sanction;~~
- ~~(2) do not prejudice the proceeding to the extent that the commission is unable to consider it impartially;~~
- ~~(3) do not prejudice other parties to the proceeding; and~~
- ~~(4) do not taint the evidence or pleadings.~~

## **7845.7700 EX PARTE COMMUNICATIONS; COMPLAINTS SEEKING SANCTIONS**

Subpart 1. **Complaint.** Any person seeking sanctions for alleged ex parte violations may file a complaint with the commission.

Subpart 2. **Contents.** The contents of the complaint must include the following information:

- A. name and address of the complainant;
- B. name and address of complainant's counsel, if any;



- C. name and address of each person alleged to have violated the ex parte prohibition (respondents);
- D. name and address of each respondent's counsel, if any;
- E. the facts which constitute the allegation; and
- F. sanctions sought.

Subpart 3. **Service.** Complaints filed under this section must be filed with the commission and mailed to or served on the following:

- A. each respondent;
- B. the department;
- C. Residential Utilities Division of the Office of the Attorney General; and
- D. all persons on the commission's official service list for the proceeding.

Subpart 4. **Answer.** Within seven days of service of the complaint, each respondent must file an answer with the commission and serve it on the following:

- A. each complainant;
- B. the department;
- C. Residential Utilities Division of the Office of the Attorney General; and
- D. all persons on the commission's official service list for the proceeding.

### 7845.7800 COMPLAINT PROCEEDING

Subpart 1. **Office of Administrative Hearings.** The commission shall refer the complaint and answer to the Office of Administrative Hearings.

Subpart 2. **Investigation.** The administrative law judge assigned to the ex parte complaint proceeding by the Office of Administrative Hearings shall conduct a hearing investigation and shall issue a report within 30 days after the matter is referred. If the administrative law judge determines that the report cannot be properly completed within that time period, the judge shall report that fact to the commission within the 30-day period and shall file a final report within a reasonable time thereafter, no later than 60 days after the referral to the Office of Administrative Hearings.

Subpart 3. **Decision.** The report of the administrative law judge shall describe the relevant facts of the case and shall set forth the judge's findings as to whether ex parte violations occurred. The findings and decisions of the judge as to whether ex parte violations occurred are binding on the commission.

Subpart 4. **Sanctions.** In the report, the administrative law judge shall discuss and make recommendations regarding sanctions, including the recusal of any commissioner or the removal of decision-making personnel from an affected case. The administrative law judge may only recommend that the commission impose one of the following sanctions if the judge finds that the condition specified for the sanction is met:

- A. dismiss the proceeding if the prohibited ex parte communication has so prejudiced the proceeding that the commission cannot consider it impartially;
- B. issue an adverse ruling on a pending issue that is the subject of the prohibited ex parte communication, when other parties or participants are prejudiced by the prohibited ex parte communication;
- C. strike evidence or pleadings when the evidence or pleadings are tainted by the prohibited ex parte communication; or
- D. issue a public statement of censure by the commission, when the prohibited ex parte communication is determined to be part of a continuing pattern of improper ex parte communication or when a single prohibited communication takes place and mitigating circumstances exist that:
  - (1) negate the need for a more severe sanction;
  - (2) do not prejudice the proceeding to the extent that the commission is unable to consider it impartially;
  - (3) do not prejudice other parties to or participants in the proceeding; and
  - (4) do not taint the evidence or pleadings.

### 7845.7900 COMMENT PERIOD; COMMISSION DECISION

Subpart 1. **Notice.** After receiving the administrative law judge's report, the commission will provide notice of the report to all persons on the commission's official service list for the affected proceeding.

Subpart 2. **Comment Period.** Any person wishing to comment on the judge's report regarding the recommendation of sanctions must do so within ten days of the commission's notice of the report. The commission may vary the notice period as it deems appropriate.

Subpart 3. **Decision.** Following the comment period, and with notice, the commission will hold a hearing and render its decision regarding the imposition of sanctions. Notice of the hearing will be sent to those on the commission's official service list for the affected proceeding.

# State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts Section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself. Agencies are encouraged to publish grant and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

## Get that Grant

The person listed as the contact for each agency is the one you want to connect with. They give you all the information you need.

Obtain MORE and FASTER information with a SUBSCRIPTION to the *State Register*. Subscribe and receive LINKS to the *State Register*. Open the *State Register* and click on Bookmarks in the upper right corner. You will also receive ALL the current rules, with an INDEX, and previous years' indices. You also receive a summarized "Contracts & Grants" section to review. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

- Word Search Capability
- LINKS, LINKS, LINKS
- Easy Access to *State Register* Archives
- Updates to Index to Vol. 31
- "Contracts & Grants" Open for Bid
- Early delivery, on Friday
- E-mailed to you . . . its so easy
- Indexes to Vols. 31, 30, 29, 28 and 27

It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** [cathy.hoekstra@state.mn.us](mailto:cathy.hoekstra@state.mn.us)

## Minnesota Department of Health Division of Community and Family Health Request for Proposals for the Positive Alternatives Grant Program

**NOTICE IS HEREBY GIVEN** that the Minnesota Department of Health is seeking grant applications from private nonprofit organizations to provide alternative-to-abortion programs that support, encourage, and assist women in carrying their pregnancies to term and caring for their babies after birth. The goal of the program is to reduce the number of abortions, improve pregnancy outcomes and support family self-sufficiency.

Eligible applicants are private, non-profit organizations who have had an alternatives-to-abortion program in place for at least one year as of July 1, 2005, or have had such a program incorporated for at least one year as of July 1, 2005. These organizations will ensure that their alternatives-to-abortion program's purpose is to assist and encourage women in carrying their pregnancies to term and maximizing their potentials thereafter. No organizations that perform abortions, promote abortion or directly refer to abortion providers will be eligible for funds.

Eligible programs will provide women with information on, referral to, and assistance with securing the following services: medical care, supplemental nutrition, housing assistance, adoption services, education and employment assistance, including services that support the continuation and completion of high school, childcare assistance and parenting education and support services. Programs may also provide one or more of these services directly.

Grants are offered in two monetary tiers: the first comprised of awards up to \$75,000 per year and the second comprised of awards between \$75,000 and \$150,000 per year. Grants will be awarded for two years, July 1, 2008 to June 30, 2010, with the possibility of an extension for two additional years, from July 1, 2010 to June 30, 2012.

Applications and instructions will be made available on January 2, 2008 and applications are due on or before March 3, 2008. Award decisions will be made by May 1, 2008. To receive application materials, please contact:

Mary Bocek  
Positive Alternatives Coordinator  
Minnesota Department of Health

---

---

## State Grants & Loans

Division of Community and Family Health  
P. O. Box 64882  
St. Paul, MN 55164-0882  
**Telephone:** (651) 201-3581

or download from Positive Alternatives **web site:** [www.health.state.mn.us/cfh/paa](http://www.health.state.mn.us/cfh/paa) after January 1, 2008.

### State Contracts

**Informal Solicitations:** Informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) Web site. Interested vendors are encouraged to monitor the P/T Contract Section of the MMD Web site at [www.mmd.admin.state.mn.us](http://www.mmd.admin.state.mn.us) for informal solicitation announcements.

**Formal Solicitations:** Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

**Requirements:** There are no statutes or rules requiring contracts to be advertised for any specific length of time, but the Materials Management Division strongly recommends meeting the following requirements:

\$0 - \$5000 does not need to be advertised. Contact the Materials Management Division: (651) 296-2600  
\$5,000 - \$25,000 should be advertised in the *State Register* for a period of at least seven calendar days;  
\$25,000 - \$50,000 should be advertised in the *State Register* for a period of at least 14 calendar days; and  
anything above \$50,000 should be advertised in the *State Register* for a minimum of at least 21 calendar days

### Assistance with Contracts

Obtain MORE and FASTER information with a SUBSCRIPTION to the *State Register*. Subscribe and receive LINKS to the *State Register*. Open the *State Register* and click on Bookmarks in the upper right corner. You will also receive ALL the current rules, with an INDEX, and previous years' indices. You also receive a summarized "Contracts & Grants" section to review. Subscriptions cost \$180 a year (an \$80 savings). Here's what you receive via e-mail:

- Word Search Capability
- LINKS, LINKS, LINKS
- Easy Access to *State Register* Archives
- Updates to Index to Vol. 31
- "Contracts & Grants" Open for Bid
- Early delivery, on Friday
- E-mailed to you . . . its so easy
- Indexes to Vols. 31, 30, 29, 28 and 27

It's all E-mailed to you, at end-of-day on Friday, instead of waiting for the non-subscriber's issue released on Monday. Contact Cathy Hoekstra, our subscriptions manager, at (651) 297-8777, or **Fax:** (651) 297-8260, or **E-mail:** [cathy.hoekstra@state.mn.us](mailto:cathy.hoekstra@state.mn.us)

# State Contracts

---

## Minnesota State Colleges and Universities (MnSCU) Winona State University Request for Bids for Paper Cutter for Print Shop

NOTICE IS HEREBY GIVEN that Winona State University is seeking bids for a paper cutter for the in-house University print shop.

Bid specifications will be available Monday, December 24<sup>th</sup>, 2007 by contacting the Purchasing Department at PO Box 5838, 205 Somsen Hall, Winona, MN 55987, e-mail: [sschmitt@winona.edu](mailto:sschmitt@winona.edu), or by calling (507) 457-5067.

Sealed bids must be received by Sandra Schmitt at PO Box 5838, or at 205G Somsen Hall, Business Office, Winona State University, Winona, MN 55987 by 3:00 pm, Monday, January 14, 2008.

Winona State University reserves the right to reject any or all bids and to waive any irregularities or informalities in bids received.

## Department of Transportation (Mn/DOT) Engineering Services Division Notice of Potential Availability of Contracting Opportunities for a Variety of Highway Related Technical Activities ("Consultant Pre-Qualification Program")

This document is available in alternative formats for persons with disabilities by calling Juanita Voigt at (651) 366-4774 for persons who are hearing or speech impaired by calling Minnesota Relay Service at (800) 627-3529.

Mn/DOT, worked in conjunction with the Consultant Reform Committee, the American Council of Engineering Companies of Minnesota (ACEC/MN), and the Department of Administration, to develop the Consultant Pre-Qualification Program as a new method of consultant selection. The ultimate goal of the Pre-Qualification Program is to streamline the process of contracting for highway related professional/technical services. Mn/DOT awards most of its consultant contracts for highway-related technical activities using this method, however, Mn/DOT also reserves the right to use Request for Proposal (RFP) or other selection processes for particular projects. Nothing in this solicitation requires Mn/DOT to use the Consultant Pre-Qualification Program.

Mn/DOT is currently requesting applications from consultants. Refer to Mn/DOT's Consultant Services web site, indicated below, to see which highway related professional/technical services are available for application. Applications are accepted on a continual basis. All expenses are incurred in responding to this notice will be borne by the responder. Response to this notice becomes public information under the Minnesota Government Data Practices.

Consultant Pre-Qualification Program information, application requirements and applications forms are available on Mn/DOT's Consultant Services web site at: <http://www.dot.state.mn.us/consult>.

Send completed application material to:

Juanita Voigt  
Consultant Services  
Office of Technical Support  
Minnesota Department of Transportation  
395 John Ireland Blvd. Mail Stop 680  
St. Paul, Minnesota 55155

**Note: DUE DATE: APPLICATION MATERIAL WILL BE ACCEPTED ON A CONTINUAL BASIS.**

**Department of Transportation (Mn/DOT)  
Engineering Services Division  
Notice Concerning Professional/Technical Contract Opportunities**

**NOTICE TO ALL:** The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: [www.dot.state.mn.us/consult](http://www.dot.state.mn.us/consult).

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

## **Non-State Bids, Contracts & Grants**

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of commodity, project or tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from the date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact editor for further details.

## **Anoka County**

### **Notice of Request for Proposals for Analysis and Planning Service to Migrate from Novell to Microsoft**

**NOTICE IS HEREBY GIVEN** Anoka County is seeking proposals for professional services to provide the Anoka County Department of Information Services with an implementation plan for their eventual migration from Novell to Microsoft. Proposals shall be submitted in exact accordance with the Request for Proposals (RFP) Package and may be obtained:

1. From the Web: [www.AnokaCounty.us/bids](http://www.AnokaCounty.us/bids)
2. By e-mail: [purchasing@co.anoka.mn.us](mailto:purchasing@co.anoka.mn.us)
3. Susan Vreeland (763) 323-5369 or [susan.vreeland@co.anoka.mn.us](mailto:susan.vreeland@co.anoka.mn.us)

Proposals to be returned to: Anoka County Government Center, Attention: Susan Vreeland, Room 300, 2100 Third Avenue, Anoka, Minnesota 55303, by January 14, 2008 at 4:00 pm Central Standard Time.

If one needs an accommodation, such as an interpreter or printed material in an alternate format (i.e. Braille, large print, or audio), contact John Sullivan, Risk & Procurement Manager at (763) 323-5370, TDD/TTY (763) 323-5289.

# Non-State Bids, Contracts & Grants

---

## Metropolitan Council

### Notice of Request for Proposals (RFP) for Worker's Compensation Legal Services

Reference Number 07P219

The Metropolitan Council is soliciting proposals to provide Legal Services to our Worker's Compensation department.

*Issue Request for Proposals*

**December 24, 2007**

*Questions Due*

**January 14, 2008**

*Proposals Due*

**January 29, 2008**

*Award Contract*

**March 2008**

All firms interested in submitting proposals for this contract and desiring to receive an RFP package are invited to make a request either by e-mail, fax, or mail to:

Sunny Jo Emerson, Administrative Assistant  
Contracts and Procurement Unit  
Metropolitan Council  
390 Robert Street  
St. Paul, MN 55101  
**Fax:** (651) 602-1083  
**E-mail:** [sunnyjo.emerson@metc.state.mn.us](mailto:sunnyjo.emerson@metc.state.mn.us)

## Metropolitan Council - Metro Transit

### Request for Proposals for I-35W & 95<sup>th</sup> Avenue Parking Structure Design and Construction Support Services

Procurement Number 7629

Metro Transit, a division of the Metropolitan Council, is seeking the services of a qualified firm for the I-35W & 95<sup>th</sup> Avenue Parking Structure Design and Construction Support Services. The project includes professional design services, pre-bid and bid services, and construction support services.

The RFP will be issued during the week of December 17, 2007

A Pre-Proposal Conference will be held at 10:00 AM on Thursday, January 10, 2008 at the Metro Transit F.T. Heywood Office located at 560 Sixth Avenue North, Minneapolis, Minnesota 55411.

Proposers are encouraged to attend and participate in the Pre-Proposal Conference.

Proposals are due by 2:00 p.m. on January 21, 2008.

Firms interested in receiving the Request for Proposals document should contact:

Metropolitan Council  
Metro Transit Purchasing Department  
Attn: Candace Osiecki  
515 N. Cleveland Avenue  
St. Paul, MN 55114  
**Phone:** (612) 349-5070  
**Fax:** (612) 349-5069  
**E-mail:** [candace.osiecki@metc.state.mn.us](mailto:candace.osiecki@metc.state.mn.us)

---

---

## Non-State Bids, Contracts & Grants

### University of Minnesota

#### Subscribe to Bid Information Service (BIS)

The University of Minnesota offers 24 hour/day, 7day/week access to all Request for Bids/Proposals through its web-based Bid Information Service (BIS). Subscriptions to BIS are free. Visit our website at [bidinfo.umn.edu](http://bidinfo.umn.edu) or call the BIS Coordinator at (612) 625-5534.

Request for Bids/Proposals are also available to the public each business day from 8:00 a.m. to 4:30 p.m. in the Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Minneapolis, Minnesota 55454.

#### ***State Register Binders***

**Specially designed binders with the *State Register* logo for storing your *State Registers*.  
Two binders typically hold one-year's subscription. Order Stock # 91-8, \$12.00 + tax**

## Minnesota's Bookstore

660 Olive Street (Williams Hill Business Development), St. Paul, MN 55155

(1 block east of I-35E Bridge, 1 block north of University Ave.)

### **FREE PARKING**

Phone: (651) 297-3000; Fax: (651) 215-5733

E-mail: <http://www.minnesotasbookstore.com>

***Gifts and Great Books for Your Reading Pleasure***

***and***

***The Best* “MAP STORE”**

**--- WE HAVE THOUSANDS OF MAPS ---**





660 Olive Street • St. Paul, Minnesota 55155  
Metro Area 651-297-3000; FAX 651-297-8260  
Toll Free 1-800-657-3757

**Web Site:** <http://www.comm.media.state.mn.us>

Metro Area 651-282-5077 Greater MN 1-800-657-3706

Periodicals  
U.S. Postage  
Paid  
Permit No.  
326630  
St. Paul, MN

Please notify us of any address changes so that we can continue to give you our best service. Include your old mailing label to speed your service.



Printed on recycled paper  
20% post-consumer waste

TO ORDER:

Complete attached order blank. Please include sales tax. Include either your VISA/MasterCard, American Express or Discover credit card number with the expiration date, or a check/money order made out to the State of Minnesota. Orders by phone are accepted when purchasing with your credit card. Please include a phone number where you can be reached during the day in case we have questions about your order.

PREPAYMENT REQUIRED.

Merchandise may be returned if it is in resalable condition.

**NOTE:**

*State Register* and other subscriptions do not require sales tax or postage and handling fees.

### Shipping Charges

| <b>Subtotal</b>       | <b>Add:</b> |
|-----------------------|-------------|
| Up to \$25.00         | \$3.00      |
| \$25.01 - \$50.00     | \$5.00      |
| \$50.01 - \$100.00    | \$7.00      |
| \$100.01 - \$1,000.00 | \$10.00     |



*Prices subject to change without notice.*

Please allow about 6 weeks for delivery.

In a hurry? Stop by our Bookstore.

Bookstore hours: 8:00-5:00 Monday-Friday

**For Your Convenience, photocopy this order blank**

| Code No.                                      | Quantity | Description                                       | Item Price                               | Total |
|---|----------|---|--|-------|
|   |          |   |  |       |
|   |          |   |  |       |
|   |          |   |  |       |
|   |          |   |  |       |
|   |          |   |  |       |
|   |          |   |  |       |
|   |          |   |  |       |
|   |          |   |  |       |
|   |          |   |  |       |
|   |          |   |  |       |
|   |          |   |  |       |
|   |          |   |  |       |
|   |          |   |  |       |
| Name or Company                               |          |   | <b>Subtotal</b>                          |       |
| Attention                                     |          | 6½ % tax<br>MN residents<br>7% St. Paul residents |  |       |
| Address                                       |          |   |  |       |
| City  | State    | Zip   | Add Shipping Charges from chart at left. |       |
| American Express/VISA/MasterCard/Discover No. |          |   | <b>TOTAL</b>                             |       |
| Signature                                     |          | Expiration Date                                   | Telephone (During Day)                   |       |

**If tax exempt, please provide ES number or send completed exemption form.**

Source Code SR007